



THE 21st CENTURY STRONG PUBLIC UNIVERSITY

A Proposal for the Reform of the Structure of the Board of Regents of the University of California

December 7th, 2009

Summary

This report presents specific rationales, proposals and avenues for reforming the Board of Regents of the University of California to make the Board more democratic, and more representative of accountable to the people of California, including constituents of the University (students, faculty, and staff). The existing 26-member Board – composed of 18 appointees by the Governor, 1 student, and 7 ex-officio members – is structurally unable to meet today’s challenges of public higher education. The UC system is encountering dramatic inequality, declining support for public services, rapid technological change, and political stalemates, and yet the response by successive Boards has been woefully inadequate. In contrast, new approaches to tackling UC’s challenges require a new, hybrid Board structure that integrates appointees by the Governor and Legislature, ex-officio members, and Regents elected by faculty, staff, and students. This more diverse, accountable array of Regents will provide the skills, energy, insight and responsiveness needed for a world-class, public UC system to flourish in the 21st Century in excellence, access and public service.

Reforms are direly needed as the existing, out-dated structure of the Board of Regents was last updated over 33 years ago when California and its challenges were dramatically different.

About every 50 years, concerned reformers have adapted the state’s constitutional provisions on UC Regents’ structure to suit new contexts and new challenges. Without updates, the UC Board would still have meetings in secret, would have Regents serving 16-year terms, would have no alumni and student members nor faculty representatives, would have fewer women and ethnic minorities, and would still have one obligatory Regent from the Mechanics Institute of San Francisco. Through cutting edge reforms to its Board, UC can be a leader, beyond even the four state university systems that currently publically elect most or all of their Boards of Regents.

“This report is a working draft to facilitate – and be enriched by – serious analysis and discussion of how to improve the governance structure of the UC Board of Regents”

Rationale for Reform

Widespread concerns about public higher education in the University of California system often focus on disparate symptoms – rising fees, low wages, imperiled pension plans, re-segregation, and management scandals – that nearly all ultimately share common roots in the inappropriate structure and dynamics of the UC Board of Regents.

There are at least six key structural flaws in the current design of the Board of Regents that prevent the University of California from achieving its goals of access, excellence and public benefit. There is insufficient representation of UC students, staff and associate and tenured faculty, who are key stakeholders with valuable insight, skills and experience to contribute. The Regents lack clear overarching responsibilities and roles. There are inadequate incentives for Regents to engage with the public and to ensure public views and concerns influence the practices and decisions of the BoR. And excessive term lengths for appointees hinder the ability to ensure that the Board is composed of responsive, competent, engaged, responsible Regents. In addition to these problems in the design of the BoR, there are also flaws in the practices of the Regents, and in the associated processes of selecting Regents. These flaws in practice include a lack of educational experience by Regents, poor attendance, insufficient oversight (on administration, compensation, public engagement, lab management, and environmental impacts), conflicts of interest.

Proposed Structure

The strongest way to address the current deficiencies in principle and practice of the UC Board of Regents is through a new hybrid structure, which integrates appointees by the Governor and Legislature, ex-officio members, and Regents elected specifically by citizens and by UC faculty, staff, and students. In addition, new rules will define clear roles, responsibilities, and requirements for UC Regents, and allow for recall of elected Regents serving 6-year terms who fail to meet their obligations.

This report also describes specific alternatives, options, risks, and ways to mitigate concerns, such as the influence of money in politics, institutional memory, and/or requisite skill bases. Students, staff, and faculty can elect Regents through slight modifications of the standard, spending-restricted student government elections held annually on all 10 UC campuses. General public elections of several of the 26 Regents can be organized through specific districts, on a non-partisan, ranked-choice basis with limited public financing available to qualified candidates. Staggered terms and required training would preserve institutional memory and ensure new Regents have sufficient insight required for their duties. As faculty, staff, students and the public participate in the selection of Regents they will gain a greater interest in and appreciation of the complex process of governing the UC system. Likewise, Regents will form closer relationships with these groups, as well as obtaining deeper understandings of California's challenges and priorities and how they can be met.

Next Steps: Process for Reform

To reform the structure of the Board of Regents requires a constitutional amendment, which can be achieved through one of three avenues: a ballot proposition, a constitutional convention, or a state initiative. Before fully pursuing these avenues, a wide process of deliberation is needed by key stakeholders, such as faculty associations, administrators, legislators, student associations, and citizen groups. Deliberations are needed to discuss various options, modifications and their tradeoffs. Through such deliberation, reformers can develop a broad commitment to a specific, proposed new structure.

Each of the three avenues for reform – a proposition, convention or initiative – as it's own distinct characteristics and tradeoffs, which must be carefully considered. To see if a ballot proposition is feasible, polling may help. A ballot proposition would likely require large amounts of volunteering and financial support for public awareness and for collecting the approximately one million signatures needed to place a measure on the ballot. Momentum is growing for the second possible avenue, a constitutional convention, which would aim to reduce the frequent political stalemates in the state legislature. Achieving reform of the Board through a constitutional convention would require the support of those people convening the convention and defining the scope, as well as the delegates, all

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of which are uncertain at the moment. The third avenue is for the California Legislature to approve putting a constitutional amendment up for vote in a general election. This third avenue would require skillful lobbying of legislators and engagement with their key political, financial, and electoral supporters.

Reform of the UC Board of Regents cannot solve all of the UC system's problems, but is essential for the UC to flourish as one of the world's top public higher education systems. Because the past, present and future of the UC and California are so tightly interwoven, improving the UC Board will also be complementary to broader processes of reforming California's society, economy and political institutions.

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7.4.8 2009 – ACA 17 – SEVERANCE COI

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7.4.9 2009 – SB 86 EXECUTIVE PAY FREEZE

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7.4.10 2009 SB 219 UC WHISTLE BLOWER PROTECTION

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7.4.11 2009 - SCA 21 LEGISLATURE & AUTONOMY

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7.5 SELECTED NEWS ARTICLES

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ACRONYMS

AAUC	Alumni Association of the University of California
AB	Assembly Bill
ACA	Assembly Constitutional Amendment
BoR	Board of Regents
CA	California
COI	Conflict of Interest
CRU	Committee for a Responsible University
CSU	California State University
EIR	Environmental Impact Review
OGC	Office of the General Counsel
SB	Senate Bill
SCA	Senate Constitutional Amendment
UC	University of California
UCB	UC Berkeley
UCOP	University of California Office of the President
UCSA	University of California Students' Association

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“Education is not filling a bucket but lighting a fire”
William B. Yeats

“The things that will destroy us are politics without principle, pleasure without conscience, wealth without work, knowledge without character, business without morality, science without humanity, and worship without sacrifice”
Mahatma Gandhi

Preface

This report has been written after years of consultation and discussion with hundreds of citizens, entrepreneurs, associate and tenured faculty, graduate students, historians, immigrants, journalists, lecturers, non-governmental organizations, post-docs, staff, researchers, state senators and assembly members, student movements, undergraduate students, unions and university administrators – who have generously offered their time, energy and insight to enrich its findings. They however are not responsible for the claims and any errors made herein. It is also based on an extensive review of literature, news papers, policies, regulations and laws.

It is anticipated that this report will be revised and improved based on feedback. To stay updated on subsequent drafts, and to find more information, news, events, and ways to get involved, please visit <http://www.ucdemocracy.org>

1. Introduction

This report presents specific rationales, proposals and avenues for reforming the Board of Regents of the University of California to make the Board more democratic, and more representative of accountable to the people of California, including the constituents of the University (students, faculty, and staff). The existing 26-member Board – composed of 18 appointees by the Governor, 1 student, and 7 ex-officio members – is structurally unable to meet today’s challenges of public higher education. The UC system is encountering dramatic inequality, declining support for public services, rapid technological change, and political stalemates, and yet the response by successive Boards has been woefully inadequate. In contrast, new approaches to tackling UC’s challenges require a new, hybrid Board structure that integrates appointees by the Governor and Legislature, ex-officio members, and Regents elected by faculty, staff, and students. This more diverse, accountable array of Regents will provide the skills, energy, insight and responsiveness needed for a world-class, public UC system to flourish in the 21st Century in excellence, access and public service.

The UC Regents are responsible for overseeing the operation of the entire 10 campus University system as well as the three national laboratories. The Regents oversee the UC system as a semi-autonomous “public trust” not subject to local laws, with more than 220,000 students, 170,000 faculty and staff, its own police force, and an annual budget of roughly \$20 billion.

About every 50 years, the University of California’s Board of Regent has been restructured to suit new contexts and new challenges. It has been 33 years since the last change. Without such essential update s of California’s constitutional rules for the UC, the Regents would still by choosing their own replacements, Board meetings would still be held in secret, the Board would have no alumni and student members nor faculty representatives, would have fewer women and ethnic minorities, and we would still have one obligatory Regent from the Mechanics Institute of San Francisco! The Board of Regents (BoR) has come to take its current form through years of struggle for top quality public education and social justice, but there is more still to be done. A more democratic UC Board is both urgently needed and a very real possibility in the next few years. Currently, four other states publically elect most or all of the members of their university Boards of Regents. It is now time to realize calls for a more democratic UC Board of Regents, which date from shortly after the University was established in 1868.

“This proposal is a working draft to facilitate – and be enriched by – serious analysis and discussion of how to improve the governance structure of the UC Board of Regents”

In so doing, we must learn from and build on the significant – but insufficient – set of changes to the BoR came almost a century later, in the 1970s. These changes after the political turbulence of the 1960s and after a Legislative commission in 1970 assessing California’s Master Plan for Higher Education recommended a more democratic Board. However, significant changes in public higher-education have occurred in the past several decades that now again warrant improving the UC Board. This report is a working draft that will hopefully spark – and be enriched by – serious analysis and discussion of an improved governance structure of the UC Board.

The four main chapters of this report cover the historical and present structures of the Board of Regents, rationale for reforming the BoR structures, a proposed new structure, and avenues of reform for achieving a new BoR structure.

1.1 Contemporary Challenges

A range of new challenges face the University of California system since its governing structure was last substantially revised. Four changes are particularly important:

- (1) the rising significance and rapidity of technological change
- (2) California's changed role in the international economic system
- (3) the changing population of California
- (4) structural shifts in California's own political economy

In sum, California has ridden successive waves of economic growth since the 1970s, particularly as international trade has increased (especially with Latin America and East Asia), and particularly as new industries have developed around new technologies (largely computing and internet at first, followed by biological technologies, and now environmental or 'green' technology). However, economic inequality also has grown to unprecedented proportions, with money increasingly influencing politics, resulting in gridlock and dire sentiments about California's decline and future. The post-World War II politics of promise soured into the politics of fear, and California's education system – once at the nation's forefront – fell to 48th place, while state spending on prisons grew to the largest in the US.

This is a long way from the contentious days of early statehood, when a semi-autonomous Board of Regents was believed to be necessary to shelter a young and growing university from the "political winds" of the heady gold rush frontier days. 140 years later, that very UC Board of Regents has itself now become so fetid and entangled with the forces of the state's malaise that it is stifling the very education system it was designed to promote; it is no longer adequately serving its function.

California's widespread public sector difficulties warrant a concerted and coordinated effort to repair the state. Such efforts are not helped by the strategy the Board has taken – a narrow, focus on shifting away from the funding from the state (denigrated as "an unreliable partner") and towards a reliance on raising fees, constant requests for private donations, and escalating deals with large corporations. The current public mobilization to defend and promote public education – as part of a broader struggle for public goods – is inimical to an approach that sets fees and salaries based on comparison with other "competitors" on some fanciful notion of "market rates" that implicitly presumes education is a commodity that can be bought and sold like any other.

The key catalyst to enabling the UC Board of Regents to renew California's public education is the sanitizing sunlight of public participation. Our current challenges are of such immensity, rapidity and deep social import that new mechanisms are needed to ensure an agile, responsive Board, one that can help propel the UC out of turbulence and into renewed access, excellence and public service.

1.2 Existing Structure

The structure of the UC Regents and the process by which they are chosen is displayed in Figure 1 below. The UC Board of Regents currently consists of 26 members, who together are responsible for approving the main decisions shaping the University of California system, including management,

enrollment, fees, budgets, supervision of the three national laboratories, construction, coordination, and top hires (such as the UC President, Chancellors, and Directors). The basic structure of the Regents is set by California's constitution, but on a day-to-day practical level, they are governed according to by-laws, policies, and standing orders that they ultimately devise for themselves. The Regents' by-laws, policies, and standing orders are sometimes also coordinated with the UC's legal division, California state law, and California's court system.

Of the 26 members of the UC Board of Regents, 18 are appointees of the Governor, 7 serve based on holding another position ("ex-officio"), and 1 is a student. The appointees serve 12-year terms, students 1 year-terms, and ex-officio members for the duration they hold their official position. In addition, 2 non-voting faculty representatives attend board meetings (but are not Regents) by virtue of their positions as the Academic Senate chair and vice-chair.

The ex-officio Regents include:

- 1) Governor
- 2) Lieutenant Governor
- 3) Speaker of the assembly
- 4) Superintendent of public education
- 5) President of the UC
- 6) President of the UC Alumni Association
- 7) Vice-President of the UC alumni Association

The Board of Regents also now has 10 committees, though the number has varied historically:¹

- 1) Compliance and Audit
- 2) Compensation
- 3) Educational Policy
- 4) Finance
- 5) Governance
- 6) Grounds and Buildings
- 7) Health Services
- 8) Investments
- 9) Long Range Planning
- 10) Oversight of the Department of Energy Laboratories

The committee on compensation was created as part of efforts to address the UC pay scandals that came to light in 2005 (see section 2.9.2 below). In addition, in 2009 a one-year trial began of a special committee on student and alumni affairs, the purpose of which was to foster greater dialogue. In practice, many – if not nearly all – decisions are effectively made by the committee votes, and then merely rubber-stamped by the legally binding vote of the whole Board of Regents.

The Regents are not paid, but are reimbursed for their expenses. However, the position has been said to be one of high prestige.² Typically, four to five meetings are held each year at different UC campuses,

¹ For example, there were 10 committees when the UC was first created in 1868, but only 6 committees by 1965 (UCHDA 1965).

² News articles; internet account

with occasional supplementary meetings or special committee meetings. Logistical support for the Regents is coordinated by the UC Office of the President (UCOP), based in Oakland.

1.3 Current Selection Process

The different types of Regents are selected through a range of different processes. These are summarized in Figure 1 on the next page. Just the basic details of the selection process are given here; subsequent sections of the report discuss some of the key issues, problems and challenges with the current selection process, as well as new models to be pursued.

1.3.1 Appointees

When the Governor makes nominations to fill any of the 18 slots for appointees, s/he is supposed to consult with an advisory committee consisting of 11 members (the problems in practice with this committee are detailed in section 2.11.1 below). The Governor's nominees must be confirmed by a simple majority of the California State Senate, which in practice occurs after hearings by the Senate Rules Committee. The Senate nearly always gives rubber-stamp approval the Governor's nominees (see section 2.11.2 below).

1.3.2 Student Regent

The one student regent is selected by the other Regents from a pool of three students nominated by the University of California Student Association, after reviewing applications from students. Those applications are reviewed by committees in northern and southern California. Student regents serve for one year, after one year of familiarization as a student regent designate.

1.3.3 Ex-officio

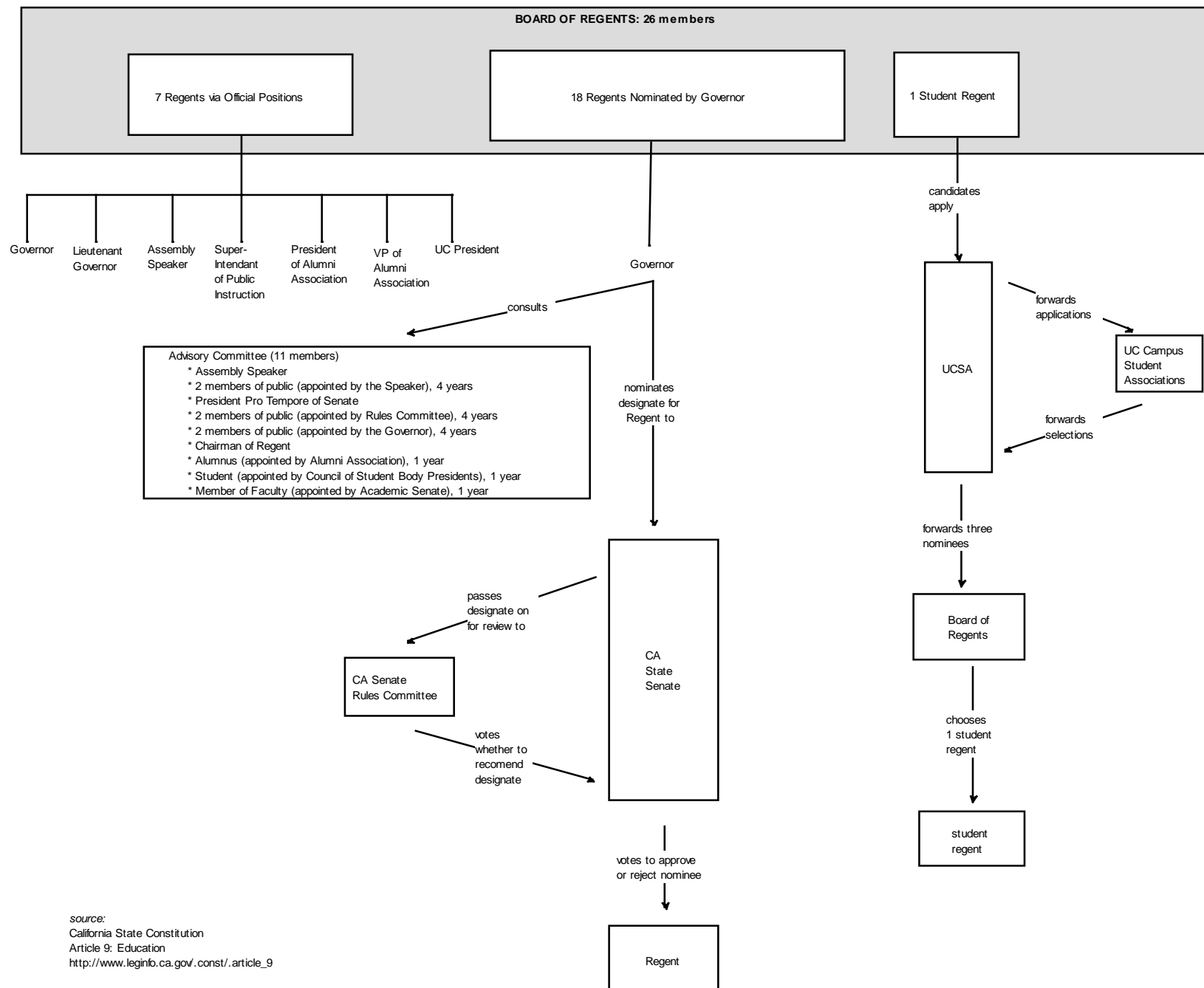
Similarly, the ex-officio Regents from the Alumni Association of the University of California (AAUC) also spend one year with familiarization as Regent designates. From materials available on the Alumni Association's website, it is not clear how the President and Vice-President of the AAUC are selected, or on which criteria. It is not clear what training the other ex-officio members receive to serve as Regents. The governor and lieutenant governor are elected through general elections and serve 4 year terms. The Speaker of the Assembly is chosen from amongst the Assembly through a vote of the members of the Assembly. The superintendent of public education is elected through general elections on a non-partisan basis for a term of four years.

1.2 Previous Changes in the Structure of the Board of Regents

The Board of Regents – likely any institution that seeks to be effective – must be periodically updated and improved based on new contexts and new insights. The proposed changes to the BoR that this report outlines are not the first changes to the BoR, nor will they be the last. This section outlines the major changes made to the Board of Regents, how they were made, and under what conditions. Key legislation that reformed the Regents is included in the appendices. Many similar debates and challenges to instituting reforms existed in the past, and thus learning from history is essential to fully understanding and putting in perspective current dilemmas and ways forward. This section provides a historical corrective to selective, depoliticizing accounts produced by the UC, as well as more sensational accounts of UC history that focus on confrontational protests in isolation from broader structural, institutional changes in UC governance.³

³ Pelfrey (2004).

Figure 1: Selection Process for the UC Board of Regents



source:
California State Constitution
Article 9: Education
http://www.leginfo.ca.gov/.const/.article_9

The University of California’s Board of Regents first met on June 9th, 1868. The next decade was one of great political and economic change in California (and much of the world at large). The original forms of governing the university were shaped by UC President Daniel C. Gilman, who touted the elitist models of Michigan and Yale (where trustees appoint their personal friends as successors).⁴ And indeed Republican businessmen were appointed as the first UC Regents, then serving 16-year terms. There were originally 22 members of the BoR, with 6 ex-officio, 8 appointed by the governor, and 8 selected by the existing 14 ex-officio and governor-appointed Regents. Several Regents ended up serving for dozens of years.

In 1874, a coalition upset with corrupt state politics and a university astray decided to challenge the university’s power structures. They lamented that Regents consisted of “merchants, lawyers, physicians and devines [sic]” and lacked any “practical and experienced educator” or any working class representative. The coalition proposed legislation to choose Regents through elections in each of California’s districts (and also to prevent sex discrimination in enrollment). This legislation, along with a similar bill in 1876 (Carpenter and Curtis’ Bills), was defeated by a corrupt, privileged state legislature. When California’s Constitution was revised a few years later in 1879, negotiators snuck an even stronger anti-democratic provision in at the last minute with little debate, which established the current structure of the UC Regents.⁵

Table 1: Chronology of Changes to the UC Board of Regents

Year	Change	Method
1868	Original	Organic Act
1879	Public Trust	Constitutional Convention
1918	Removed Senate approval of Governor-nominated Regents; replaced 8 internally selected Regents with 8 more Governor appointments; 2 ex-officio Regents added; increased financial control;	Senate Constitutional Amendment
1972	Public Meetings	Proposition 5
1974	Student and Faculty Regents; 12-year terms; Reflect CA composition; advisory committee to Governor’s nominees.	Proposition 4
1976	Explicit prohibition on denying admission based on race, religion, and ethnic heritage; competitive bidding for contracts and sales.	

⁴ Daniel Gilman was also a member of Yale’s infamous elite secret society, Skull & Bonesman.

⁵ See Douglass (2000, 1992) and Pelfrey (2004) for helpful histories, though not without particular slants.

The influence of economic interests was apparent in the governor's appointees, as well as the two ex-officio members of the BoR: the President of the Mechanic's Institute of San Francisco and the President of the State Board of Agriculture.⁶

Although the significant changes in 1918 have not been thoroughly documented yet, there are some key points.⁷ The 1918 essentially concentrated power in the Governor's hands. The 1918 changes actually reversed democratic influence on the Regents by eliminating the State Senate's role in approving the governor's appointments of Regents.⁸ It was argued that the approval process had become too politicized after a number of nominees were blocked (beginning in 1883 with the Democratic Party's rejection of Leland Stanford as a Regent). The 1918 amendments also shifted 8 more Regent appointments into the Governor's hands (Regents for those 8 slots were hitherto selected by sitting Regents). Other 1918 changes included giving the Regents more financial control, and adding two ex-officio Regents.

The next round of changes in the UC Board of Regents came largely as a direct outcome of the turbulence of the 1960s, though there were some earlier stirrings for more democratic control (for example, Senate confirmation of nominated Regents was urged in 1958).⁹ Though the Free Speech Movement and anti-war protests are well known and widely lauded, few recognize that one of the key demands of the Free Speech Movement was for a more democratic Board of Regents.¹⁰ Much of the effort to reform the Board of Regents came as a result of years of concerns, legal refutation, protests of Regents' actions. For example, the Regents sparked great controversy in 1950 when they dismissed 31 faculty for not signing the University's McCarthyite anti-communist "Loyalty Oath."¹¹ In 1970, questions were raised about conflicts of interest in Regent's decisions, after the University invested millions in a Chicago bank involved in a deal with the Pauley Petroleum company owned by Regent Edwin Pauley.¹² The deal reportedly netted the UC \$20,000 and Pauley an \$800,000 tax write-off.¹³ In 1972, the American Association of University Professors censure the Regents, and the Supreme Court ruled the Regents had acted unconstitutionally when they approved the dismissal of two professors based on the professors' political beliefs.¹⁴

Figure 2: UCLA Regent Protests, 1969



Student protests at UCLA in 1969 led to legislation requiring Regent meetings to be open to the public.

⁶ Pusser and Ordorika (2001).

⁷ Note 1918 was also the year Thorsten Veblen published his critique of business control of universities and colleges (in *Higher Learning in America*).

⁸ UCHDA (1965).

⁹ (1958) UC Board Confirmation by State Senate Urged, *LA Times*, March 11.

¹⁰ Kaufman and Folsom (1965).

¹¹ Pelfrey (2004: 34-35); Kerr et al (2001: 27-47).

¹² OAG (1970). Greenwood, N. (1970) 'Probe Stirs Question: Regents—UC Deals: Who Benefits Most?', *LA Times*, Oct 29.

¹³ Benet (1972).

¹⁴ (1972) Calif. Regents Censured by AAUP in Davis Case, *Washington Post*, May 6; Trombley, W. (1972) Supreme Court Rejects Firing of Angela Davis, *Los Angeles Times*, Oct 10.

In 1968 the state assembly approved constitutional amendment legislation requiring the Regents to hold open meetings, but the legislation died in the Senate. It would eventually become law in June 1972 after voters approved Proposition 5.¹⁵ Over the years 1968-1975, numerous attempts (described below) would be made to institute changes to the Board of Regents, with several significant reforms achieving success (summarized in Table 1 above).

The protests of the 1960s have been extensively documented. Key moments were the Free Speech Movement, the struggle for Peoples' Park, and anti-war demonstrations. These protests were part of a broader world-wide mobilization, often led or sparked by students.¹⁶

In the first days of June 1969, the state Assembly passed constitutional amendment by 66 to 1, to put a proposition on the ballot to decide if Regent meetings should be public. On February 2nd, 1970 California state assemblyman John Vasconcellos of San Jose introduced a constitutional amendment (ACA 28) to add two students, two faculty, and one alumni to the Board, and to reduce Board terms from 16 to 9 years.¹⁷ In the state senate, a complementary bill was authored by state senator H.L. Richardson (R-Arcadia) to put a measure on the ballot to reduce Regent's terms from 16 to 12 years, and to require Senate confirmation of Governor's appointments. Richardson argued that shorter terms and required confirmation would make UC regents respond more to the public's wishes.¹⁸ The vote on Richard's bill was 25-8, which was 2 votes short of the needed 2/3rds majority.

Nonetheless, in 1970 Proposition 7 was put on the Ballot to make the Speaker of the Assembly a voting member of the Regents, but apparently was not approved. In February 1971, students worked hard to get a student on the board with full voting rights.^{19 20}

These various efforts eventually culminated in 1974 in Proposition 4, a landmark piece of legislation reforming the Board of Regents. Among the start of these efforts was the passage, on June 14th, 1971, by the CA senate of a constitutional amendment (SCA 44) to require that the governor's nomination for Regents require Senate approval.²¹

"The group that's on the board now is the most political of all, representing only 2 percent or 3 percent of the wealthy individuals and established corporations of the state"

State Senator John Vasconcellos, 1973

A critical part of the pressure to reform the Regents was a 2-year study released in September 1973 by a joint legislative committee to review California's Master Plan for Higher Education.²² The study proposed constitutional changes to the Board of Regents because "the board does not reflect the state's population and is not in keeping with the times," according to the committee chair, Assemblyman John Vasconcellos (D-San Jose).

¹⁵ In Statues 1971, page 4500, Resolution Chapter 261, SCA 44

¹⁶ See Watts 1968 and all that.

¹⁷ LAT 1970 Day in Sacramento, February 3.

¹⁸ LAT 1970 Senate Rejects Plan to Cut Regent Terms, June 30, a2.

¹⁹ LAT 1970 Students' drive for part in UC affairs gaining, Feb 19.

²⁰ Only by 1975, was this was finally happening. Speech, D. 1975 Inclusion of student on UC Board of Regents Advances, LAT, Feb 13.

²¹ LAT 1971 The Day in Sacramento, June 15.

²² Vasconcellos et al (1973).

In 1974, Assembly Constitutional Amendment 83 (ACA 83) sought to shorten Regents' terms from 16 to 8 years. It proposed that the governor would select his nominees from a list of 5 candidates chosen by a new Higher Education Nominating Committee (made up of the state superintendent of public instruction, the speaker of the assembly, the president pro tem of the Senate, opposition leaders in both legislative houses, the chairman of the Board of Regents, and representatives of UC students, faculty members and alumni).²³

In 1974, UC mounted a campaign against the ACA 83. The UC President sent a letter to 1,200 'friends of the university.' UC alumni groups were urged to contact their representatives in opposition. Regent William Forbes said the amendment "seeks to change a basic part of a university system that is one of the really valuable assets of the state and has proved itself nationally and internationally." Regent chairman Dean A Watkins said "the most objectionable part of ACA 83 is that the appointment process it establishes would completely politicize the appointment of regents." Vasconcellos responded "Now you've got one person, the governor, who is partisan and unscreened, making all the selections ... Our proposal balances out the politics. It calls for the pluralistic politics the state needs instead of the kind of isolated politics now practiced by the board."²⁴

An alternative bill, Senate Constitutional Amendment 45 was developed in partnership with State Sen. Albert Rodda (D-Sacramento).²⁵ The state Superintendent of Public Instruction backed the amendment to reduce Regent's term lengths from 16 to 12 years.²⁶ In 1974, Moscone submitted a bill (SB 2352) to require that the

Regents could only hold executive sessions to "consider appointments or employment of a person who is not performing services for or is not employed by university." In November 1974, voters approved changes via Proposition 4. An advisory board was set up to review the governor's appointees and Regents were required to reflect the economic, social and cultural aspects of the California population. A student Regent was added; however, even though faculty were granted the right to have 2 voting Regents, the UC Academic Council declined after discussion, and, for reasons that are unclear, settled on having non-voting faculty representatives on the Board.²⁷

Discussion and proposals about reforming the Regents resurfaced in 1992 during the budget crises of the early 1990s.²⁸ There were at least three triggers: (1) Governor Wilson nominated John Davies, a close friend and campaign donor, to be a Regent; (2) a state auditor found lavish travel and entertainment allowances; and (3) the Regents secretly approved a major retirement benefits package of around \$1 million for the outgoing UC President David Gardner. All this occurred amidst severe

Figure 3: 1974 Editorial by the Los Angeles Times



²³ LAT 1974 UC Campaigns Against Cut in Regents' Terms, Jan 13, 3.

²⁴ Trombley, William 1974 UC Campaigns Against Cut in Regents' Terms

²⁵ LAT 1974 Softer Regent Amendment Seen Headed for Legislative Passage, Jun 23, b1.

²⁶ LAT 1974 Riles Backs Measure to Cut Regents' Terms, Jun 15, A24.

²⁷ Notice of Meeting of the Assembly of the Academic Senate, Dec 4, 1975, <http://content.cdlib.org/xtf/view?docId=hb2h4nb0xn&doc.view=content&chunk.id=div00023&toc.depth=1&brand=calisphere&anchor.id=0>

²⁸ Lapin, L (1992) UC Regents of the People? Legion of Critics Thinks Not, *Sacramento Bee*, July 26.

budget crisis and hikes in student fees. Similar concerns were also voiced about the elitist nature of the CSU Trustees.²⁹

In early 1993, Senator Quentin Kopp and Senator Tom Hayden introduced SCA 2 to reduce the governor-appointed Regents to 6, and to have 6 Regents appointed by the Legislature, as well as to reduce term lengths to 8 years.³⁰ The Assembly passed complimentary Bills, ACA 20 and ACA 11, in May, with the backing of the UCSA.³¹ Tom Hayden sponsored three bills to reform the UC Regent selection process. One required public hearings of candidates. The others prohibited nominating Regents who had contributed over \$1000 to the governor in the past four years.³² In September, the legislature approved a Bill requiring Regents to vote in public session when considering executive compensation.³³ A number of groups joined to combat Davies' nomination, including Common Cause, the UCSA, the National Organization for Women, the Latino Issues Forum, and others.³⁴ Davies was eventually confirmed, but another Wilson nominee, Lester Lee, was rejected by the Senate for the first time 111 years.

*"We need Regents whose commitment
is to higher education, not the
governors' political needs"*

State Senator Tom Hayden, 1993

Further discussion of the need to democratize the Regents arose after 2000 with increased attention to the role of UC-managed energy laboratories in producing a new round of nuclear weapons.³⁵ A number of other issues in the mid 2000s – including lab mismanagement, executive compensation scandals, controversial industry-university deals, poor labor practices, and rising student fees – once again placed the issue of Regent reform on the agenda. And most recently, the role of the Regents amidst the budget cuts of 2009 has come to the fore due to their role in granting UC President "emergency authority," and in approving drastic fee hikes, layoffs and furloughs even as they grant pay raises large salaries to top executives.

²⁹ OAG (1992); Lapin, L (1992) UC Vows to Cut Entertainment, Trips in Response to State Audit, *Sacramento Bee*, Oct. 30; Monteagudo, L. (1993) Hayden, CSU Students Call for Trustee Reforms, *Press-Telegram*, April 27.

³⁰ Kopp, Q. (1993) Letter, *Sacramento Bee*, Feb. 17.

³¹ Lapin, L (1993) Proposals to Limit UC Regent Terms, Exec Pay Advance, *Sacramento Bee*, May 19.

³² (1993) Trustees Attacked as Elitist, *SJ Mercury News*, April 28.

³³ Rooney, G. (1993) Bill Making Votes on UC Pay Public is Approved, *Press-Enterprise*, Sep. 11.

³⁴ Koury, Renee (1993) UC Regents' Selection Under Fire – State Senators Aim to Reform the Process for Picking Board Members, *SJ Mercury News*, March 7.

³⁵ E.g. Collonge, C. (2005) Demilitarize UC, Democratize the Regents, *Daily Cal*, Aug. 8., and <http://www.ucnuclearfree.org/>

2. Rationale for Contemporary Reform

The widespread concern about public higher education in California often focuses on disparate symptoms – rising fees, low wages, imperiled pension plans, re-segregation, and management scandals – that nearly all ultimately share common roots in the inappropriate structure and dynamics of the UC Board of Regents.

In response to public outcry, top UC management has attempted to defend itself, shifting the blame for all these problems to the state government in Sacramento.³⁶ However, as the discussion above and below illustrate, the Regents are very much part of the same dysfunctional institutional network in Sacramento that is threatening the state's public services.

Various different groups of people have a range of concerns about the limits of the current BoR structure, and these groups have various reasons for wishing to reform the BoR structure. These different groups range from the day-to-day person on the street who may read stories about compensation scandals or increasing fees, to top management figures such as Berkeley Chancellor Robert Birgeneau and state Assembly Majority Leader Albert Torrico.³⁷

The various reasons why the Board of Regents ought to be restructured are organized and analyzed in the paragraphs below. This section of the report is divided into two parts. Part A discusses how the existing BoR structure is inadequate or inappropriate in principle and design. Part B discusses how, given such design, there are also problematic practices in both the selection of, and the work of, the Regents. The case for reform is thus based on problems in both the legal structure and actual practices of the Board of Regents.

PART A: PRINCIPLES & DESIGN

There are at least six key structural flaws in the Board of Regents that prevent the University of California from achieving its goals of access, excellence and public benefit. There is insufficient representation of UC students, staff and associate and tenured faculty, who are key stakeholders with valuable insight, skills and experience to contribute. The Regents lack clear overarching responsibilities and roles. There are inadequate incentives for Regents to engage with the public and to ensure public views and concerns shape the practices and decisions of the BoR. And excessive term lengths for appointees hinder the ability to ensure that the Board is composed of responsive, competent, engaged, responsible Regents.

2.1 Inadequate Representation of Key Stakeholders

There is insufficient representation of UC students, staff and associate and tenured faculty, who are key stakeholders with valuable insight, skills and experience to contribute

³⁶ Lehr, H.V. 2009 Beyond UC vs Sacramento: It's the Relationships that Matter, *Berkeley Daily Planet*, October 15.

³⁷ Comments at Public Forum, UC Berkeley, November, 2009.

2.1.1 No Voting Faculty Representation

Despite constitutional permission for UC faculty to have 2 voting members on the Board, faculty are only represented at Board meetings by 2 non-voting faculty members, which are the Chair and Vice-Chair of the UC System-wide Academic Senate. The notion of Shared Governance has historically been key to the UC system, and effectively means that decisions made by the UC Academic Senate are to be considered and respected by UCOP and the Regents. Shared Governance without a voting faculty representative on the BoR is shallow (and low faculty attendance to Academic Senate meetings is a real problem); faculty engagement on governance issues would arguably be increased if they had a real stake. Additionally, concerns have been raised that non-tenured faculty are a growing proportion of overall faculty (see chart below), but are not able to vote in UC campus Academic Senates. Numerous other universities have faculty representatives on their governing Boards (including Colorado, Kentucky, CUNY, North Dakota, West Virginia, and Puerto Rico).

2.1.2 No Representation of Non-Tenured Faculty

“Over 3,000 un-tenured faculty make up 37% of all UC faculty, but have no representative on the Board of Regents”

Equally important is that the observers on the BoR from the Academic Senate do not represent non-tenured faculty (the Academic Senate consists only of tenured faculty). In 2007, 37% of the UC’s 8,795 faculty were non-tenured (about the same percentage as in 1989).³⁸ The over 3,000 un-tenured faculty that make up 37% of all UC faculty have no dedicated institutional means of liaising with the Regents.

2.1.3 No Staff Representation

UC non-faculty staff are not represented on the Board. Staff currently make up a significant percentage of the total population in the UC system. The lack of staff representation has contributed to the Regents’ lack of understanding of, and inappropriate approach towards, work-place and union issues.

2.2 Lack of Clear Responsibilities and Duties

The process of selecting appropriate Regents has been hindered by the lack of a yardstick against which nominees and potential selections can be measured. The exact goals, requirements and responsibilities of UC Regents are not specified in the California Constitution nor in the UC Regents’ by-laws. Theoretically, there is no legal restriction preventing the Governor and legislature from appointing, for example, a 12-year old from Belgium, as a UC Regent. Because there are no clear, prominent and well-defined criteria for who should be a Regent, the governor is free to appoint friends and campaign donors, and the Senate has little guidance in its hearings and most often simply gives rubber stamp approval to the governor’s nominee. Regents have done little to spell out exactly and publically what are the duties and best qualities of effective Regents.³⁹

2.3 Taxation without Representation

Taxes on citizens, businesses and sales in California have historically provided the bulk of funding for the UC system, though this has shifted towards increasingly reliance on fees, private donations, and deals with large corporations. However, the discretion on how these taxes are spent is effectively up to Regents, who, at best, are technically very indirect representatives of the people of California. Moreover, as student fees keep rising, students are being increasingly taxed without commiserate increases in representation on the Board that decides how their fees are being used. The present

³⁸ <http://www.ucop.edu/acadadv/datamgmt/ladd89s.pdf>

³⁹ The reasons for this are not clear, but may include indifference, a vision of the University as analogous to a corporation, and/or desire for leeway.

structure of the UC Regents was designed at a time when student ‘fees’ were minimal parts of the cost of education and the University’s overall revenues.

2.4 Inadequate Public Engagement

Given that citizens do not elect regents directly, and because the appointment process is often secretive and viewed skeptically, they have very little opportunity to become familiar and engaged with the Board of Regents. If the public becomes more familiar with Regents in the course of electoral campaigns, they are more likely to understand the needs and priorities of the University and are likely to be more willing to provide financial support.

However, the lack of public engagement goes both ways. Serving on appointed 12-year terms, Regents face little incentive to engage with the public and interpret their priorities.

2.5 Inadequate Public Consultation

Consultation is currently limited in by-laws to 3 minutes per person and 20 minutes per meeting.⁴⁰ In practice, this often is changed to 1 minute per person. This is an inadequate amount of time. Moreover, public comments are purely consultative – Regents are free to ignore public comments at their will. Some regents do not pay attention to public comments during the comment period, sometimes observed reading newspapers, sending text messages, or absent. The overall effect is one of shouting into the wind. There is no opportunity for dialogue, for the public to ask questions and receive answers.

2.6 Excessive Term-Length

12-year terms prevent Regents from being called to account for their actions, though the terms may facilitate experience and familiarity with the University and Board. 12-year terms may also generate a sense of complacency, and prevent fresh ideas and thinking.

PART B: PRACTICES

The following sections discuss how, in addition to the inappropriate in-built structure of the Board of Regents discussed above, there are also flaws and omissions that allow poor practices by Regents, who are selected through defective processes. For example, the lack of defined principles on requirements and responsibilities of Regents (mentioned above) translates in practice into a Board that lacks people with significant experience in education. It is in fact not uncommon for Regents simply not to show up for Board meetings. Regents have in practice exercised poor oversight of the University, leading to administrative bloat, compensation irregularities, insufficient public engagement, poor management of the labs, and insufficient attention to environmental monitoring. In practice, the selection of the Regents has violated the Constitutional provisions prohibiting political allegiance, requiring consultation, and requiring that the BoR reflect the population of California. Consequently, practices of nepotism in the appointment process are rife and open secrets. The Board has historically been, and still remains, disproportionately made up of wealthy, white male businessmen and political insiders. The result has been a series of specific conflicts of interest, as well as a general approach of Regents antithetical to upholding the UC’s mission of access, excellence and public benefit.

⁴⁰ Public Comment Policy; <http://www.universityofcalifornia.edu/regents/pubcom.html>

2.7 Education Experience vs Business Reputation

None of the Regents are academics – except perhaps the student Regent – and none have a PhD. This has generally been the case throughout history also. This lacunae means that the Regents' internal discussions and decisions are not as informed by the actual experience of scholarship and teaching as they should be.

In contrast, Regents who are prominent businesspeople or financial managers depend heavily on their reputation, and this fact – rather than principles of educational development – sometimes drives Regents' decisions. As fiduciary stewards of the UC, Regents with substantial financial reputations face pressure to demonstrate their competitive corporate skills, which in effect translates into treating the University as a private, for-profit corporation (an elision that sometimes inadvertently finds its way into the rhetoric of UC staff).

2.8 Low Attendance

Regents' attendance at their own meetings has been very inconsistent, and ex-officio members in particular often do not show up. Governor Schwarzenegger appears to have never even attended a single Regents meeting.⁴¹ At some meetings over the past few years, barely half the Regents bothered to show up. Lieutenant Governor Garamendi has consistently attended meetings, while his predecessor, assembly speaker Fabio Nuñez, made many, but not all, meetings.

Persistent attendance problems occur despite a 2004 controversy on the issue of attendance that forced UC Regent Haim Saban (an entertainment tycoon) to resign after he failed to attend any meetings for more than two years. Between 2000 and 2003, four of the appointed regents missed 1/3 of their meetings or more.⁴² Regent Pattiz reportedly missed 62% of meetings between 2001-2004.⁴³ Some Regents said the record keeping was incorrect, though staff denied this.

The problem of poor attendance by Regents is both personal and structural. Concerns have been raised throughout history about the poor attendance of Regents.⁴⁴ Regents however have done little to spell out explicit expectations and rules on attendance. In fact, when concern was raised over poor attendance, rather than make significant reforms, the Regents attempted to cover up the problem by restructuring their roll-call practices to make it *more* difficult for the public to monitor.⁴⁵ The Regents also rejected a proposal to have the Chair contact any Regent missing three consecutive meetings. In response, in 2008 the UCSA made a move to start monitoring Regent attendance, but requires more resources in order to do so.⁴⁶

2.9 Inadequate Oversight

Regents have provided inadequate oversight of the University on a number of key issues, including administrative bloat, budget transparency, compensation irregularities, public engagement, lab management, and conflicts of interest. When these problems arise, Regents have shifted the blame to

⁴¹ This claim is based on a search of attendance in the minutes of the BoR. This pattern contrasts with that of former governors such as Brown and Reagan who would attend BoR meetings.

⁴² Yang, E. (2004) Saban Quits Board of Regents, *San Diego Union-Tribune*, Sep. 9

⁴³ Yang, E. (2004) Some UC Regents Missing Majority of Board Meetings, *San Diego Union-Tribune*, July 8.

⁴⁴ E.g. (1973) "7 of UC Regents Have Perfect Attendance," *Los Angeles Times*, March 25.

⁴⁵ Yang, E. (2004) UC Regents Alter Meeting Attendance Procedure, *San Diego Union-Tribune*, July 9.

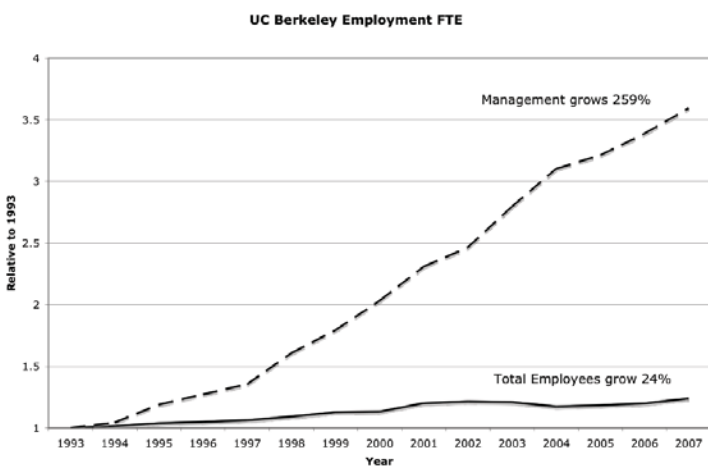
⁴⁶ Yang, E. (2004) UC Regents Mull Absenteeism, Will Develop Member Guidelines, *San Diego Union-Tribune*, Sep 23; Resolution #16: UC Board of Regents Accountability Act, UCSA, Board of Directors Agenda, Jan 12, 2008; <http://www.ucsa.org/board/agendas/January%202008%20Agenda.doc>

the perpetrators and promised to work to resolve the problem, but have almost never accepted responsibility for approving or selecting the staff and regulations, and their negligence in letting the situation get out of hand.

2.9.1 Administrative Bloat

Management positions and salaries, particular at the top levels, have grown greatly disproportionately to most of the rest of the university over the past decade (see Figure 4, for example), with the Regents either taking little notice, downplaying the trend, or outright defending it. The high-level administrative bloat results partly from the facets of Regents' selection, (in)experience and aloofness.

Figure 4: UCB Employment and Management Growth



Source: UC employment data⁴⁷

2.9.2 Lack of Budget Transparency

The Regents have failed to ensure that the UC Budget is fully transparent. For years, Regents have hired budget staff and approved budgets that omit key information, and which present information in arcane, inaccessible, ambiguous manners.⁴⁸ This lack of budget transparency has inhibited engagement and understanding by the public and legislators, and reduced trust in and accountability of the UC management. This lack of transparency has fostered problems of administrative bloat (mentioned above), as well as numerous other problems such as compensation scandals and conflicts of interest (see below). Only under heavy public pressure and after repeated protests and demands has the UC Office of the President revamped its budget website and data (though, more often than not, designed to rebut criticism, rather than clearly present full information).

2.9.3 Compensation Irregularities

Major and widespread irregularities in compensation of top management under UC President Dynes came to light in 2005 only after in-depth investigations by the *SF Chronicle*, and became one of the most notable recent scandals.⁴⁹ While blame was largely cast at Dynes and advisors, and he and many staff resigned a year later, the compensation fiasco illustrates deep failures by the Regents to perform their

⁴⁷ See http://socrates.berkeley.edu/~schwartz/Seminar/Seminar10_13_09.pdf

⁴⁸ Chief financial officer Peter Taylor has admitted the website has been inadequate.

⁴⁹ See: <http://berkeleyaft.org/sfchron/excepay> and http://ucwatch.org/SFchronicles_series.html

duties and sufficiently monitor the administration and take close care in the actions the Regents approve. Once the scandal broke, the Regents, however, moved to position themselves as surprised but concerned supervisors who would clean house. Several audits, commissions and task forces were put into place.⁵⁰ Blame falls not only on President Dynes and his staff (who was selected by the Regents), but on the structure of the Board of Regents which fails to give sufficient incentives for close supervision – as a result these sorts of irregularities and scandals are not isolated nor rare (although not always on the same large scale).⁵¹

2.9.4 Public Engagement

When Regents speak, they demonstrate a patronizing tone of the need to inform ignorant students, faculty, staff, and community members about the truth. Rather than take the approach of sincere dialogue, they state that they are bringing facts to combat misinformation and rumors. The notion that public comment can be squeezed into 20 minutes before a Board of Regents meeting is highly problematic.

But this is not an idiosyncratic feature of Regents' personalities. Rather, condescension is built into the Regental structure. Because they are unaccountable, Regents and their appointees face no recourse for their condescension. For example, Nathan Brostrom, in recent presentations has said nothing about the importance of raising public revenue. When asked about this, and about the effects of Proposition 13, he said such concerns were unrealistic. Chancellor Birgeneau likewise said it was "fantasy," though he has subsequently come out publicly for overturning Proposition 13.

2.9.5 Lab Management

Controversy has dogged the UC for decades regarding its three national laboratories. Many have seriously questioned whether designing and building nuclear weapons is compatible with UC's basic mission, yet Regents have failed to rigorously consider the possibility of severing the connection between UC and the labs. Another set of concerns is about poor actual Regent oversight of the labs. After months of controversy, in early 2003, the director and auditor of Los Alamos National Laboratory resigned amidst financial mismanagement. The Energy Secretary then questioned whether UC could run the lab. Further problems and allegations arose throughout the next months, with UC fined roughly \$6 million for mismanagement. The University of Texas and Lockheed Martin joined in May 2005 to try to outbid the UC for the contract to manage the lab. Despite further examples of inappropriate practices, UC won renewal of management of the lab in December 2005.⁵²

2.9.6 Inadequate Consideration of EIRs

The lack of incentives for sufficient, impartial supervision by the Regents of the University is evident in the Regents' approval of numerous Environmental Impact Reviews (EIR) that were flawed in substance and/or process and subsequently challenged, revoked, or revised. The first of several examples is the EIR for the Energy Biosciences Institute in Strawberry Canyon in the Berkeley Hills, which the Regents approved but was subsequently found to be unviable. Community members sued the Regents, forcing a relocation of the site. Likewise, there were substantial substantive and procedural flaws in the planning documents for the nanotechnology lab (Molecular Foundry) and the Long Range Development Plan in Berkeley, as well as many more projects across the state and over decades.

⁵⁰ See: <http://www.universityofcalifornia.edu/news/compensation/reports.html>

⁵¹ See Kapp (2007); cf Pelfrey (2008).

⁵² (2005) UC's problems at Los Alamos Lab, *SF Chronicle*, 22 Dec.

2.10 Conflicts of Interest

The presence of significant conflicts of interest suggests on the one hand that certain Regents are ill-positioned to govern the UC properly, and on the other hand, that the process allowing such Regents to be selected failed to adequately consider these conflicts of interest (COI). COIs can take specific or general forms. The Regents have largely avoided sanction, if not occasional scrutiny, through a narrow definition of COI used by the UC. However, there are important issues of student loans, for-profit universities, construction, and research funding that pose serious questions about the practices of certain Regents and the practices of selecting those Regents.

2.10.1 Conflict of Interest Policy & Office of General Counsel

The bulk of UC's conflict of interest policy focuses on researchers and administrators, rather than the Regents themselves. Guidelines on and investigations into conflicts of interest are done by the UC's lawyers in the Office of the General Counsel. In some instances where potential Regent conflicts of interest have been identified, Regents have sometimes said that they seek legal advice from the General Counsel, and, if necessary, recuse themselves from relevant votes.

The University first reluctantly adopted a Conflict of Interest Code in 1980 as a requirement of California's 1974 Political Reform Act. A court had ruled in 1977 against the Regents' attempts (under pressure by some faculty) to avoid the state's requirements to have a policy on conflicts of interest (the Regents incorrectly claimed the University had autonomy from state law).⁵³

From 1985-2005, the UC's top lawyer – the General Counsel – was James E Holst, who eventually resigned amidst the compensation scandal, and is now at the National University of Singapore. Holst rose through the Office of the General Counsel during the mid 1960s when the Regents made several key decisions to dismiss professors based on the professors' political beliefs, decisions that were then overturned by the US Supreme Court. Throughout the 1990s and early 2000s, Holst also made key advice decisions with regard to the many contested issues of contracts. He retired before the report was finished on the compensation irregularities.

The current General Counsel is Charles Robinson, who receives around \$400,000 in total compensation. He is the key person giving legal advice to the UC President and Regents – for example, claiming that the proposed professional fee increases are legal and not, as a *SF Chronicle* article suggested, illegal.⁵⁴ The lack of independence of the General Counsel is a critical point enabling Regents to evade or justify a number of specific and general conflicts of interest.

2.10.2 Student Loans

The US student loan industry is worth an estimated \$85 billion.⁵⁵ Several key Regents work for, hold interests in, or sit on the boards of financial firms with substantial stakes in student loans. Regent Chairman Russel Gould is a senior vice president at Wells Fargo, one of the top providers of student loans. Regent Tang-Schilling was formerly a top executive at Golden West bank. Regent Blum has substantial holdings and business dealings with private, for-profit universities that derive large shares of their income from student loans (see below). Some UC Alumni Associations – which have representation

⁵³ Scully (1987: 936-7).

⁵⁴ (2009) UC Fee Raises Go Beyond Reason, *SF Chronicle*, Nov 18.

⁵⁵ Lazo, A. and M Glod (2009) White House Plan Would end Subsidies to Student Lenders, *Washington Post*, Feb27.

on the UC Board through the UC Alumni President and VP – have received payments from the student loan company Nelnet for directing members to the firm.⁵⁶

These Regents stand to personally gain financially from the specific increases in loans by financial firms to student for fees raised by the Regents. The Regents also stand to personally gain financially from promoting a general climate in which fees are rising and students must take out more loans (it is common practice for UC Regents and administrators to promote an environment of fees spiraling upwards by justifying UC fee increases through comparisons with high and rising fee rates at other universities).

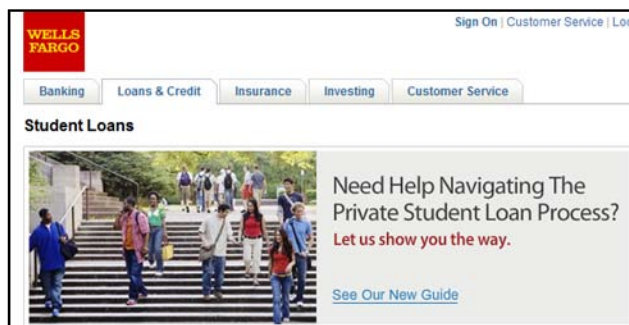
2.10.3 For-Profit Universities

An example of the sort of conflicts of interest facing the Regents is Richard Blum's investment in the for-profit education companies Career Education Corporation and ITT Educational Services. As he votes for and helps organize increasing student fees and restricted enrollments, he has also profited from the rising revenue at these for-profit universities.

Blum is reportedly the largest shareholder in Career Education Corporation, which operates 75 campuses and online colleges with 90,000 students.⁵⁷ CEC has been involved in numerous fraud investigations related to students and financial aid.⁵⁸ CEC provides bachelors, masters and doctoral degrees in various disciplines, and the largest source of its \$1.7 billion in revenue in 2008 was from University tuition. As Blum has invested in CEC, he has placed the investment co-chair at Blum Capital, Greg Jackson, on the CEC board of directors. The

firm Blum Strategic GP is registered in the tax-haven of Delaware and as such pays less taxes in California on its earnings.⁵⁹

Figure 5: Online Student Loan Advertisement



UC Board of Regents Chairman Russell Gould is a senior manager at Wells Fargo, one of the largest providers of student loans.

Figure 6: For-Profit University in Los Angeles



The LA campus of the for-profit American InterContinental University; UC Regent Blum is its largest shareholder.

⁵⁶ Schevitz, T. (2007) Audit of UC Aid Offices Reveals Some Problems, *SF Chronicle*, May 17. UC also selected Citibank as the preferred private lender, even as it was under investigation for paying other schools for promoting the firm. A UC audit was done of UC financial aid offices in 2007, but found little improper except insufficient disclosure of ties with loan companies; Pender, K. (2007) Lender Payments to Schools Scrutinized, *SF Chronicle*, April 5; Schevitz, T. (2007) UC Toughens Student Loan-Program Controls, *SF Chronicle*, Oct 4.

⁵⁷ Strahler, S. (2008) 'Getting schooled: Career Education shares get boost after top investor lands boardroom seat, but stocks remain near bottom of class,' *Crain's Chicago Business*, Dec 8.

⁵⁸ E.g. Morgenson, G. (2005) The School That Skipped Ethics Class, *NY Times*, July 24; (2004) Justice Department is Investigating Career Education, *NY Times*, Sep 3.

⁵⁹ Blum actually holds at least three different firms: California-based Blum Capital Partners, LP; California-based Richard C. Blum & Associates, Inc.; and Delaware-based Blum Strategic GP II, LLC.

Figure 7: Conflicts of Interest

The iconic TransAmerica building in San Francisco is home to URS, the international construction and military company at the center of a conflict of interest scandal between Regent Blum and the UC.

Blum is also the third largest investor in ITT Educational Services, which is also based in Delaware to avoid taxes (it made \$342 million in profits (pre-tax) in the month of September 2009 alone).⁶⁰ ITT offers associates, bachelors, and masters degrees, and has 105 institutes and colleges online and in 38 states, with a total of 70,000 students. It has been involved in several cases of financial aid fraud.⁶¹

2.10.4 Construction

Blum was appointed a Regent in 2002. As a Regent, he approved a \$48 million UC nanotechnology lab, but in 2005, Blum's Perini corporation purchased a construction firm working on the lab. Blum then sold his Perini stock at profit. There was outrage and student protest at a meeting in May 2005 over Blum's conflict of interest with another of his firms, URS, which had contracts with for

UC's Los Alamos National Lab. Nonetheless, in July 2005 a \$4.5 million contract was awarded to URS to write portions of the Long Range Development Plan for UC Berkeley. Several months later, he subsequently resigned from the URS board of directors and sold his \$220 million in stock. In April 2006, he made a gift of \$15 million to UC Berkeley for the "Blum Center for Developing Economies."⁶²

2.10.5 Investment

Before becoming a Regent in 2008, John Hotchkis was a financial advisor to the UC, but he did not acknowledge holding interest in a firm that the University chose to manage \$430 million in UC equity funds. In addition, "Hotchkis was also sitting on the advisory committee in 2005 when a firm headed by his daughter, Sarah Ketterer, was chosen to manage \$311 million in nonequity funds."⁶³

In another example of the pervasive conflicts of interest, Regent Bruce Varner owns part of Viresco, an energy firm that has given money to UC Riverside for research on biofuels in exchange for the right to profit from new technologies UCR produces.⁶⁴

2.10.6 Research Funding

Concern has been raised about the influence on research, public goods, and academic freedom of several high-profile grants and donors, including agribusiness, oil and tobacco firms. The Regents and their appointees have been hostile to concerns about the influence of these interests.

There was great controversy over the \$25 million pact between agribusiness giant Novartis and the UC Berkeley College of Natural Resources. A peer review criticized the pact, finding that the process was unduly secretive, and that both the hopes and fears about the deal did not occur. However, they found

⁶⁰ Browning, L. (2009) Critics Call Delaware a Tax Haven, *NY Times*, May 30.

⁶¹ ITT, Calif. Settle False Claims Lawsuit, *Inside Higher Education*, Oct 18.

⁶² Hoffman, I. (2005) Students Lose War of Words Over Los Alamos, *Alameda Times-Star*, May 26; Byrne, P. (2007) Blum Rap, *MetroActive*, 28 Feb.

⁶³ Schevitz, T. (2008) UC Investment Adviser Appointed as Regent, *SF Chronicle*, March 12.

⁶⁴ Agha, M. and D Danelski (2007) Regent's Potential Conflict Surfaces, *The Press-Enterprise*, Jan 26.

also that it did affect the tenure review of a prominent faculty member, and negatively affected the College's reputation.⁶⁵

Heavy tobacco funding of health research studies made headlines. The Regents eventually sided with the tobacco companies. However, after all the public outrage and negative publicity, the tobacco companies subsequently decided to withdraw funding.

In 2007 the largest corporate donation to a university in history was announced. BP would invest \$500 million in an Energy Biosciences Institute based at the UC, with a partnership at the University of Illinois also. A range of concerns were raised about this deal, including the secretive process, the private control of patents produced with public research, the skewing of research priorities, the damaging of UC Berkeley's reputation in order to greenwash BP, and the production of new technologies that would have negative social, economic and environmental impacts.

The pact also raised questions about the conflicts of interests of two scientists, Jay Keasling and Chris Somerville heavily involved in the project and also with private firms working on the same issues. Questions were also raised about the lack of adequate procedures on and monitoring of conflicts of interests. Just one of various examples was reported in *San Francisco Magazine*: "On at least two forms dated 2002, biologist Jay Keasling omitted a potential conflict, and the university's conflict committee never looked at the forms. Keasling's lab received more than \$1 million from UC BioSTAR, a program that raises grants from biotechnology companies and matches them with university and state money, yet the professor didn't disclose—as required by state law—that he served on the executive committee of UC BioSTAR. If he had, the names of the companies that invested in Keasling's lab through UC BioSTAR would be public record, but currently they aren't."⁶⁶

2.11 Insufficient Compliance with Constitutional Requirements

There are potentially some significant provisions for public input on the process of selecting and confirming Regents. However, these provisions are not currently utilized appropriately and historically have rarely been used effectively. At the very least, those concerned with UC governance could work to ensure that the basic constitutional requirements are upheld.

2.11.1 Governor's Advisory Committee

The California Constitution requires that the Governor consult with an Advisory Committee (the members are listed in Figure 1) about nominees for Regents. However, the effectiveness and relevance of this advisory committee in practice is almost nil. Over recent years, the committee has not met, it receives very short notice of potential nominees, some committee members are not even aware of their duties or even that the committee exists, and any potential concerns of the committee can simply be ignored at the Governor's discretion. This is reportedly long-standing practice.⁶⁷ When contacted recently, Governor Schwarzenegger's office refused to make public the names of the people on the advisory committee.⁶⁸ Recent practice has been that the Regent begins to serve immediately after nomination, even before formally confirmed by the State Senate as required by the Constitution.

⁶⁵ Blumenstyk, G. (2004) Peer Reviewers Give Thumbs Down to Berkeley-Novartis Deal, *Chronicle of Higher Education*, July 30.

⁶⁶ Yogis, James (2007) Are We Backing the Right Fix for Global Warming? *SF Magazine*, December.

⁶⁷ Lapin, L (1992) Committee on Regents Never Met – Panel is Supposed to Advise Governor, *Daily News of Los Angeles*, July 26.

⁶⁸ Personal communication, Governor's office, October 2009.

2.11.2 Confirmation by the California State Senate

It is common practice for the Senate to first have nominees reviewed by their Rules Committee. Recent practice has been for the Rules Committee members to ask a few questions, some of which are given in advance so that the Regent may prepare and submit written answers. The Rules Committee hearings on the Regent nominee are often held many months after the Regent has begun to serve, and thus has a chance to prepare for the Rules Committee hearing. The hearings are rarely well publicized and rarely have any member of the public except for close friends, colleagues or family of the nominee. In practice, the State Senate then nearly always rubber-stamps the nominee without much discussion. A rare exception was in 1998 when the Senate refused to confirm Regent John Hotchkis, appointed by Governor Wilson. Hotchkis was reappointed by Governor Schwarzenegger and is now Chairman of the Board of Regents.

2.11.3 Representation of the Population of California

The California Constitution requires that “Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women.”⁶⁹ This measure was meant to redress the historically elite nature of Regents. Of the 157 appointed Regents from 1868 to 1997, roughly one third were lawyers, and one third were bankers, business executives or principals of mining and utility companies (see Figure below).⁷⁰ Only 14 were women, and only a handful were “working class.” This data helps illustrate that the Constitutional requirement that the Regents reflect the population of California has not been. A current illustration is Table 2 below, using 7 sample categories.

Table 2: Comparison of UC Regents and CA Population

	California	Regents
ECONOMIC		
Income	Hh income \$60,000	tbd
Wealth	\$12,400 Hh avg net worth	tbd
Profession	Varied	Real estate, finance, law, politics
SOCIAL		
Residence	tbd	tbd
Education	26% Bachelors degree or higher	tbd
Gender	50% female	30% female

⁶⁹ Section IX()

⁷⁰ Pusser and Ordorika (2001).

CULTURAL

Ethnicity

42% white

64% white

Sources⁷¹

Table 3: Professions of Appointed Regents, 1870-1998

Profession	Number	Percent
Attorney	51	32%
Banker	20	13%
Business Executive	16	10%
Power and Mining Investor	14	9%
Civic Leaders and Philanthropist	13	8%
Real Estate Investor	10	6%
Medical Doctor	8	5%
Publisher	5	3%
Professor	4	3%
Transportation Investor	4	3%
Union Leader	3	2%
Minister	3	2%
Farmer	2	1%
Military	2	1%
Public Administration	2	1%

Source: Purser and Ordorika (2001), after California State Senate Rules Committee Archives.

2.11.4 Prohibition on Political Allegiance as Selection Criteria

The constitution clearly states that “the university shall be entirely independent of all political and sectarian influence and kept free there from in the appointment of its Regents and in the administration of its affairs.” However, throughout the past decades, nearly all of the Governor’s nominations have been members of his same political party (see Table 3 below), although Governor Schwarzenegger has recently made a few exceptions. More often than not, as demonstrated above, nominees have been significant donors the Governor’s electoral campaign or close allies or associates. Table 3 *begins* to document some of these donations, but requires more research to be completed.

Moreover, when nominated Regents are not donors, they are often key allies. For example, Regent Russell Gould headed up Schwarzenegger’s election campaign, while Regent Charlene Zettel was part of his transition team. After Schwarzenegger appointed Zettel as head of Consumer Affairs, she supported lax regulations for many large corporations who had funded Schwarzenegger’s campaign.⁷² And Regent George Kieffer, amongst other close ties to Schwarzenegger, was the personal lawyer for

⁷¹ <http://quickfacts.census.gov/qfd/states/06000.html>; List of Regents 1999-2009

⁷² Lazarus, David (2004) Governor Playing to Business, *SF Chronicle*, 6 Aug.

Schwarzenegger's wife. Another (former) Regent, Gerald Parsky, was Schwarzenegger's financial manager. And so on. Such practices go back decades, as the chart below illustrates for Governor Deukmejian.

Table 4: Party Affiliation and Campaign Finance between Governor and Appointed Regent

	Party	Personal & Affiliated Contributions to Governor	Contributions to Party / Candidates
Gov Schwarzenegger	Republican		
Russell Gould	Republican		
Hadi Makarechian	Republican	\$289,000	
Eddie Island			
George Kieffer	Democrat		
William de la Pena	Republican		
Bonnie Reiss	Democrat		
Frederick Ruiz	Republican		
Leslie Tang Schilling	Independent		
Bruce Varner	Republican		
Charlene Zettel	Republican		
John Hotchkis	Republican		\$470,000
Gov Davis	Democrat		
Richard Blum	Democrat	\$75,000	
Odessa Johnson	Democrat	\$500	
Sherry Lansing	Democrat	\$22,500	
Monica Lozano	Democrat		
George Marcus	Democrat	\$140,000	>\$1 million
Norman Pattiz	Democrat	\$210,000	
Judith Hopkinson	Democrat	\$50,000	
Haim Saban	Democrat	\$400,000	\$7 million
Delores Huerta	Democrat		
John Moores		\$270,000	
Gov Wilson	Republican		
Joanne Kozberg	Republican	\$4,500	
John Hotchkis	Republican		
Gerald Parsky	Republican	\$74,000	
Peter Preuss	Republican	\$32,500	
Ward Connerly	Republican	\$82,000	
John Davies	Republican	\$39,000	tbd

Source: various news articles, campaign finance records

Table 5: Gov Deukmejian's Relationships with Appointed Regents

<u>Regent</u>	<u>political service</u>	<u>political money</u>
Bagley	A, B, C, E	\$ 2,536
Brophy	A, C	\$10,600
Burgener	A, B, C, D	\$ 2,351
Campbell	-	-
Clark	-	\$73,233
del Junco	A, D	\$ 2,000
Gonzales	E	-
Johnson	-	\$23,500
Khachigian	D (spouse)	\$ 3,500
Kolligian	C	\$20,108
Leach	A	\$49,270
Nakashima	A	\$ 4,000
Watkins	A	\$32,500
Yeager	-	\$ 6,250

A has been a leader in Republican party organizations in California

B was an early colleague of Deukmejian in the Legislature

C was an important early supporter of Deukmejian's campaign for governor

D played a leading political role in Deukmejian's gubernatorial campaigns

E was appointed by Governor Deukmejian to head one or more state agencies

\$ total amount given to Governor Deukmejian's campaign funds, as a personal contribution or through one or more companies controlled by the individual.

Source: Schwartz (1991).

2.12 Threats to Shared Governance

In July 2009, the Regents took unprecedented steps that threaten long-established key principles of shared governance of the University system. Firstly, they held their meeting by teleconference, restricting public comment and participation. Secondly, they granted President Mark Yudof “emergency authority.” With such authority, the UC Office of the President overrode the Academic Senate’s explicit recommendations on its preferred faculty furlough option.

2.13 Abandonment of Public Education & CA Master Plan

Regents have been complicit in the gradual shift from a commitment to public funding for UC to increasing reliance on private funding. Regents have systematically neglected their responsibility to manage UC in accordance with the State's Master Plan for Higher Education. As a recent report from the state's Legislative Analyst's Office notes, the Regents have ignored many of the recommendations of the Master Plan and its reviews.⁷³

Instead, the Regents, while maintaining rhetoric support of public education, have in fact moved to increasingly embrace measures founded upon market competition, fee for service, outsourcing, educational services, private industry agreements, and online education. The Regents have sought out and hired Chancellors and UC executive who share a commitment to this strategy but are able to frame it rhetorically as necessary for public education.

This transformation was formalized in the historic 2004 'Compact' on education, in which Governor Schwarzenegger made an unprecedented agreement with the UC Regents and CSU Trustees.⁷⁴ They agreed that the UC would "seek additional private resources and maximize other funds sources ... to support basic programs." In other words, the UC agreed to begin founding its basic, core operational budget on private funding. This was done, ostensibly, to forestall even greater cuts to the UC Budget (cuts, which, eventually came anyways). In 2008, with a budget crisis looming, the Regents hired Mark Yudoff – who argued "the first challenge for hybrid universities will be to increase tuition dramatically in order to remain viable and competitive with the eminent private research universities" – as UC President to further implement this strategy.⁷⁵

The UC Regents and UC administration have misleadingly sought to shift the blame to the state legislature, and absolved the Governor of responsibility, even though he wields key control over the budget through his presentation of a draft budget and his line-item veto.⁷⁶ While the legislature does bare responsibility due to its failure to resolve budget and tax issues, both the Regents and the Governor have been complicit in their silence about the root causes of insufficient state revenues and financial support to higher education.

⁷³ LAO (2009).

⁷⁴ Schwarzenegger et al. (2004).

⁷⁵ Yudof, Mark (2002) Higher Tuitions, *Change Magazine*, March-April.

⁷⁶ When asked in a New York Times interview whether he blamed Governor Schwarzenegger for budget shortfalls, UC President Yudof stated, "I do not."

3. Proposed New Structure

A new, more democratic, structure of the UC Board of Regents must be guided by sound principles, among which include flexibility, stability, proportional representation, checks and balances, broad choices, and equal access.

Based on these principles, a combination of mechanisms to select Regents seems best. These include Regents selected through California state district-based popular elections, elections by functional groups (staff, faculty, and students), adjusted appointment of Regents, and ex-officio Regents.

3.1 Principles for Reform

Below are six key principles for reforms to achieve goals of greater transparency, responsibility, accountability and democracy. The six principles laid out below are flexibility, stability, proportional representation, checks and balances, broad choices, and equal access.

3.1.1 Flexibility

Flexibility is required to ensure that if selected Regents are fail to fulfill their basic obligations and/or no longer represent the concerns of the population of California, they can be replaced by more able people.

3.1.2 Stability

Stability is key because of the great complexity, size and strategic importance of the University system. Regents need time to learn detailed procedures of the Board and facts about the University.

3.1.3 Proportional Representation

Proportional Representation is necessary to ensure that the various stakeholders in the University system have a voice. The University system serves many stakeholders.

3.1.4 Checks and Balances

Checks and balances are necessary to ensure that in the event that a Regent or Regents do not fulfill their obligations, measures are in place such that such nonfulfillment does not significantly damage the functioning of the University system.

3.1.5 Broad Choices

Ranked choice voting (aka, instant runoff) helps avoid a race to the middle in which two parties dominate the political system and offer similar proposals. A wider composition of input into the Board of Regents is more likely to better represent the concerns and priorities of the people of California. It will also bring a broader range of ideas, experiences and skills to the challenges of managing the University.

3.1.6 Equal Access

Every effort should be made to ensure that selection of Regents is based upon the candidates' relevant qualifications, rather than only their economic wealth or political connections.

3.2 Proposed Structure: The 5,2 Plan

Based on the principles outlined above, the proposed structure is a mix of appointed, ex-officio, and geographically and functionally elected Regents, with the total remaining 26. In this proposal, the Governor appoints 5 Regents, the legislature appoints 5, the public elects 5, and there are 5 ex-officio Regents. In addition, student, staff, and faculty each elect 2 Regents.

3.2.1 Appointments by Governor (5)

The governor's appointments would aim to ensure a balance of skills, backgrounds, insight and experience. In approving the governor's nominees, the Senate Rules committee would be required to evaluate candidates on these specific criteria. Appointees would face restrictions on whether they had contributed financially to or participated directly in the governor's electoral campaign. Appointees by the Governor would serve 6-year terms, after an initial 1-year shadow training term.

Given all the past problems with Governor appointments, why keep these, rather than simply abolish all Governor appointments? Improvements in appointments can be made with the restrictions and process just mentioned. Retaining Governor appointments is also a tactical, practical and principled choice – tactical in the sense of just reducing the Governor's appointments, and thus having a gradual, transformational – rather than totally new – change; practical in the sense that, under new restrictions and monitoring, the Governor should be able to appoint key people who bring complimentary skills and knowledgeable that are necessary but missing from existing Regents; and principled in the sense of emphasizing having multiple mechanisms for selecting Regents to check and balance on another (for example, the legislature's appointees could be political).

3.2.2 Ex-Officio (5)

There would be 5 ex officio members:

- 1) Chair of the University Academic Senate
- 2) President of the UCSA
- 3) Alumni President
- 4) Superintendent of Education
- 5) UC President

The terms of these ex-officio Regents would be as long as they hold their official position. This is usually one year for the Academic Senate, UCSA Chair, and Alumni President, while the Superintendant and UC President hold longer terms.

The main changes would be that the Governor and Lieutenant Governor would be removed as an ex-officio Regents. Over the past years, governors have rarely shown up to meetings, though in decades past this was not always the case. Governors in recent years have been too occupied with other duties to adequately manage the University. The rationale for removing the Lieutenant Governor as a Regent is that the Lieutenant Governor is elected to a relatively thin position, for which education is not a key part of the election campaign criteria. It was not clear why the Alumni Association Vice-President served in addition to the President. Alumni form an important group supporting the UC and having long-term interaction with the UC, but it's not clear why this warrants two ex-officio Regents (alumni could of course also run for an elected position).

3.2.3 Appointments by Legislature (5)

In this proposal, the Senate Education Committee selects 2 Regents to appoint based on a simple majority vote, and the Assembly Education Committee likewise selects 3. Appointees face restrictions on whether they have contributed financially to or participated directly in the legislative committee members' electoral campaigns. Subject to the other requirements defined in section 3.3 below, the Committees may use their own discretion to determine the process for nominating and approving Regents. Legislative appointees would serve 6-year terms, after an initial 1-year shadow training term.

3.2.4 Elected District Representatives (5)

5 Regents would be elected for 6-year terms by simple majority through a ranked choice non-partisan ballots held during state Fall elections.⁷⁷ Limited public financing would be provided in campaigning. Regents would be elected for a Regent District, each corresponding to approximately 8 geographically proximate state senate districts, and arranged to ensure rough contiguity, equal numbers of people in each Regent District, and balance of economic, political, and social characteristics.⁷⁸ A California state commission would decide which State Senate Districts correspond to which Regent Districts. Candidates would have to have had their permanent residence in their Regent District for at least 4 of the past 6 years.

Table 6: Example Regent Districts

<i>Regent District</i>	<i>Senate Districts</i>	<i>UC Campuses</i>
1	2,3,6, 8,11,15	UCSF, UCSC
2	1,4,5,7,9,10,13	UCB, LBNL UCD
3	12,14,16, 17,18,19	UCM, UCSB
4	31,32,33,34,35,37,38	UCR, UCI
5	20-30, 36, 39, 40	UCLA, UCSD

Figure 8: Example of Potential Regent Districts



⁷⁷ Currently, no Regents are directly elected to the position of UC Regent, although several UC Regents are elected by constituents, such as ex-officio ones (governor, Lt governor, speaker, president of the Alumni Association??).

⁷⁸ Alternatively, if CA assembly districts were used, 1 Regent District would be equivalent to roughly 16 Assembly Districts.

To ensure stability, institutional memory, all 5 Regents would not be elected at once, but rather on a rotating basis as follows: 2 Regents elected in the first year, 2 Regents 2 years later, 1 Regent 2 years later, and so on.

3.2.5 Elected Functional Representatives (6 total)

Staff, faculty, and students would each elect from amongst themselves 2 Regents, as described in the sub-sections below. Members of the UC system who perform several roles would have to choose only one category in which they would exercise their vote. Voting could occur during normal student elections, and votes simply added across campuses.

3.2.5.1 Staff (2)

Staff would vote electronically for two non-partisan faculty Regent candidates during normal student elections. Details would be worked out to enable them to access voting by utilizing their employee ID number and a password. Staff Regents would serve 6-year terms, after an initial 1-year shadow training term. An alternative of having unions select Regents on behalf of staff is discussed below in sub-section 3.6.3.

While a group of staff representatives would likely want to spell out in further detail the requirements, this proposal suggests the following at least. In order to ensure that only qualified, dedicated candidates run, potential candidates would be required to have at least 2 years of public service, and to collect 500 signatures in support of their candidacy, and have a basic statement of interest approved by a simple majority of a UC campus committee of staff representatives.

3.2.5.2 Faculty (2)

Faculty would vote electronically for two faculty to serve as Regents during normal student elections. Both tenured and non-tenured faculty would be eligible to vote and stand for election. Faculty would also have 1 ex-officio Regent in the form of the Chair of the Academic Senate. Faculty Regents would serve 6-year terms.

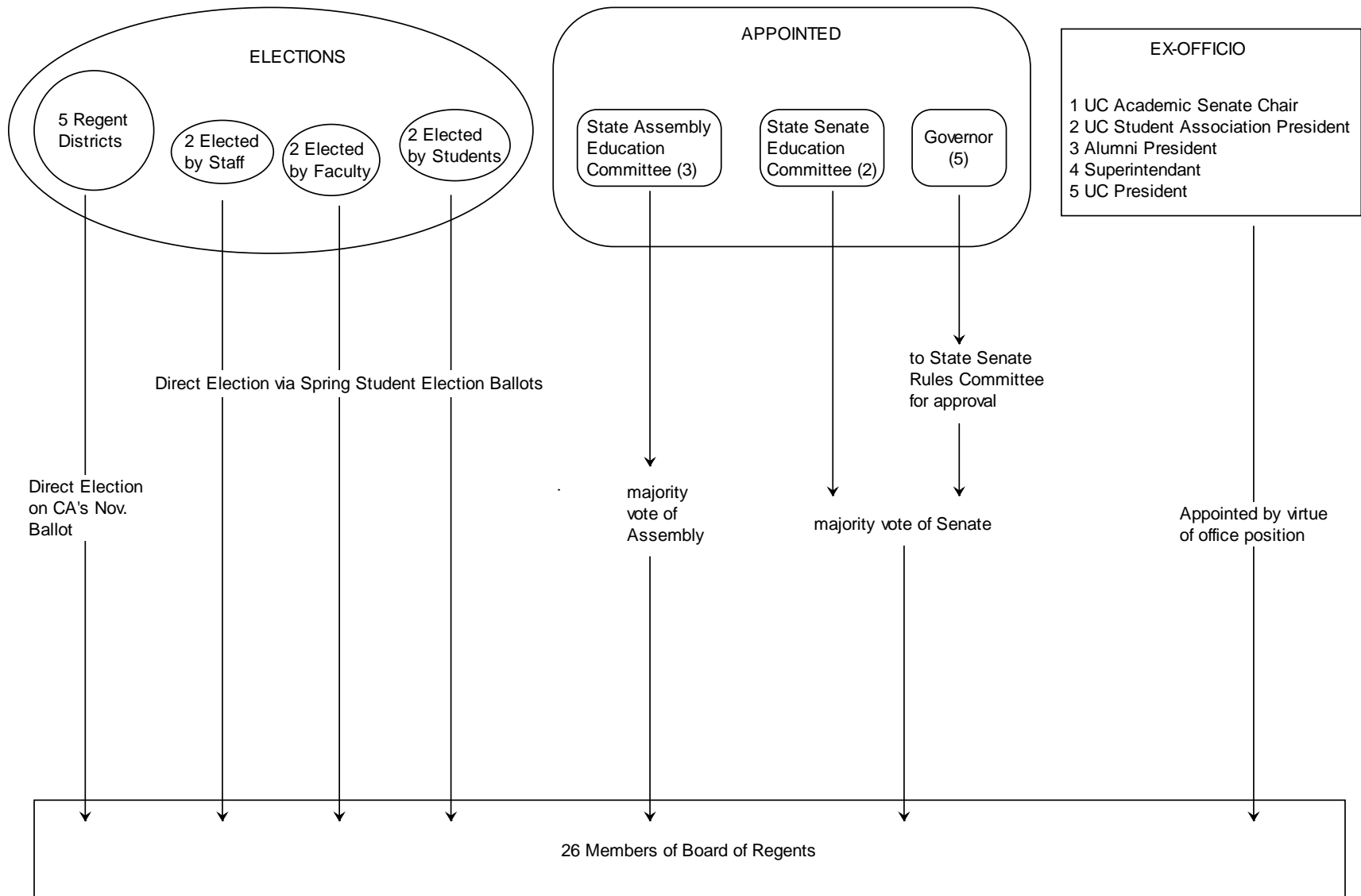
While the UC-wide Academic Senate would likely want to spell out in further detail the requirements, this proposal suggests the following at least. In order to ensure that only qualified, dedicated candidates run, potential candidates are required to have at least 2 years of service on a UC committee, to collect 500 signatures in support of their candidacy, and to have a basic 2-page statement of interest approved by a simple majority of the Divisional Council (or committee??) of their home campus Academic Senate.

3.2.5.3 Students (2)

One graduate Student and one undergraduate student would be elected through system-wide non-partisan electronic voting held in conjunction with normal student elections. While the UCSA would likely want to spell out in further detail the requirements, this proposal suggests the following at least. In order to ensure that only qualified, dedicated candidates run, potential candidates would be required to have at least 2 years experience in public service (one year of which must be education-related), and to collect 500 signatures in support of their candidacy, and have a basic statement of interest approved by a simple majority of the graduate or undergraduate External Affairs Committee.

Students will be elected for 2-years total, with the first year being a shadow training term, and the 2nd year being the full term. Students would also have 1 ex-officio Regent in the form of the President of the UCSA.

Figure 9: Proposed New Structure of the Board of Regents



An alternative option would be to have one Regent chosen by undergraduate students and one chosen by graduate students, without no requirement that candidates be students themselves. The relative advantages and drawbacks of this option merit further discussion.

3.3 Requirements to be a Regent

Because there have not been clear requirements to be a Regent, historically many people have been appointed Regents without having the requisite experience and knowledge needed to excel as a Regent. This situation can be remedied by laying out clear requirements that a Regent nominee should meet. Nominees must be 18 years or older by the date of nomination or election (whichever is earliest). Appointees by the governor and legislature, and candidates for district Regent elections, must have at least 3 years of significant experience dedicated to issues of education (at least one of which must be focused on Universities). Appointees must not have given greater than \$2300 directly or indirectly to the campaign of the nominating governor or legislature committee, nor greater than \$5,000 directly to political action committees or political parties in any of the previous 5 years. Another possibility would be to have Regents take an oath of office, to which they could be held.⁷⁹

3.4 Electoral Processes

How can electoral processes promote democracy rather than entrench already powerful interests and people? Four issues are key: clean elections, preferential voting, recalls, and term limits. Clean elections involve limits on campaign contributions, and limited public financing for qualified candidates. Preferential voting allows voters to rank their top candidates and consequently fosters a broader range of candidates by allowing voters to vote for outliers without sacrificing their vote in a close race. And recalls ensure that if elected Regents do not fulfill their obligations once in office, they can be replaced by someone who will. Term limits prevent incumbents for wielding undue influence.

3.4.1 Clean Elections & Publically Financed Campaigns

Essentially, although financial campaign contributions can be limited, expenditure cannot, leaving the risk of a wealthy person having an advantage. This situation can be remedied somewhat with public financing to candidates, as well as other measures, and should not be seen as precluding the possibility of democratizing the BoR. Additionally, the age of internet fundraising has proven that is sometimes possible for non-wealth candidates to compete even against rich, entrenched interests (for example, with Obama). Whether Regent elections could gain such numerous, small donations, however, is not clear.

Analysts have long struggled over how to balance money and politics, to prevent corruption on the one hand, but to not restrict citizens' ability to support the campaign of the candidate they prefer on the other hand. Courts have upheld limits on individual and group campaign contribution; however, limits on candidates total expenditures on campaigns have generally been seen as infringing on Constitutional rights to free speech.

Several concerns are behind efforts to ensure that money does not corrupt the electoral process. One concern is about direct financial contributions being linked to some favor. Another concern is that candidates' donors will shape their general orientation or unwillingness to take on some measures. There are also other important general concerns about narrowing of the candidate field to those with

⁷⁹ Perhaps something along the lines of: "I do solemnly swear to protect, defend, and advance the cause of public education at the University of California, to ensure that this University system works and educates for the common good, to never abuse or misuse my position of power for personal gain, and to be accessible, available, and accountable to my constituents."

wealth or those able to fundraise, about emphasizing wealth or fundraising skills rather than skills and ideas needed to excel in the position, and about the time spent in office working on fundraising.

An important question to resolve is whether elected Regents would or should be seen as public offices subject to existing electoral laws, or whether the UC's legal status means that candidates for Regent positions could be subject to specific electoral laws. If Regents are not subject to normal election law, campaigning might even be limited to an internet site, or a small description and list of endorsements in the voter's guide.

In California, voters will decide in 2010 whether to approve the California Fair Elections Act, passed by the state government in 2008. A ballot proposition for clean elections was put to California voters in 2006.⁸⁰ It proposed public financing of political campaigns and contribution limits on corporations, but was defeated.

Clean elections are law in seven states and two cities.⁸¹ Voluntary public financing is also available during US Presidential elections (primaries and the general election).⁸² Voluntary campaign funding might variously be seen by voters, or portrayed to them, as a badge of prestige, as a minor issue, or as wasting the state's money. A further key question is what limits on public financing can be set, and how.

Clean elections were dealt a major – but not insurmountable – blow in 2007 when the Supreme Court ruled 5-4 that certain groups could fund “issue” ads in the final days of an election, even if the issue ads strongly favored certain candidates.⁸³ Nonetheless, clean elections that work to minimize the influence of money in politics are an important – but neither totally necessary nor sufficient – component of a more democratic BoR. Beside regulations on financing, other aspects of elections are important, including candidate requirements (see above), as well as preferential voting and recalls (see below). Moreover, some of conventional advantages conferred by having large amounts of campaign funding may be declining in our age when newspaper and TV coverage are declining and internet usage rising.

3.4.1.1 Matching Funds

A candidate must qualify for public funding. Qualification can take various forms, but usually means collecting signatures or small donations from people in their district. If a qualified candidate is outspent by a privately funded opponent, they receive matching funds, up to a certain limit. Matching funding may be able to stand up stronger to the conservative Supreme Court. However, this is in dispute by some lower courts, which read into a 2008 Supreme Court decision (though the court has not addressed the issue explicitly).⁸⁴

⁸⁰ Proposition 89, sponsored by the California Nurses Union.

⁸¹ Arizona; Connecticut; Maine; New Jersey; New Mexico; North Carolina; Vermont; Albuquerque, New Mexico; and Portland, Oregon.

⁸² The details of the US presidential systems require candidates to raise at least \$5000 in 20 states in \$250 max contributions.

⁸³ *FEC v. Wisconsin Right to Life*, June 25 2007; Congress had passed the Bipartisan Campaign Reform Act (BCRA).

⁸⁴ *Davis v. Federal Election Commission*. The decision concerns special fund-raising privileges given to candidates that were outspent. It ruled such special privileges violate the 1st Amendment.

3.4.2 Instant Runoff Voting / Preferential Voting

Instant runoff voting allows voters to support their favorite candidate without worrying whether their votes will thereby not go to one of the leading candidates in a close race.⁸⁵ Instant runoff voting allows voters to vote for their most preferred candidate without totally risking the possibility that their most disliked candidate will win over another of their most preferred candidates.

Voters are asked to rank their top 3 candidates in order of preference. If no candidate gains a majority, then the candidate with the least #1 rankings is eliminated and the ballots going to that candidate are redistributed to the other candidates according to the ballots' rankings (that is, the candidate rankings of each the ballots that voters had cast for the eliminated candidate). The process is repeated until a candidate has a majority. Instant runoff voting is used by various national governments, cities in the US (for example, San Francisco), as well as for political parties in the UK, Canada and elsewhere.

Preferential voting also arguably means more of a focus on substantive issues and less negative, oppositional campaigning because candidates do not want to alienate supporters of other candidates because such supporters could then be in play if the supporters originally preferred candidate is ruled out.

Figure 10: Example of Ballot in Preferential Voting

Rank any number of options in your order of preference.

<input type="checkbox"/>	Joe Smith
1	John Citizen
3	Jane Doe
<input type="checkbox"/>	Fred Rubble
2	Mary Hill

3.4.3 Recalls

If representatives are not fulfilling their obligations and responsibilities or no longer represent well the priorities and needs of the population of California, they may be recalled. This would apply only to elected Regents serving 6-year terms. Other Regents serving shorter terms (such as student Regents) or serving ex-officio would not be subject to recalls.

Recalls of elected representatives would be done by the same body of constituents that elected the representatives. Putting a recall measure on the ballot would require (1) signatures of corresponding constituents totaling 10% of number of winning votes of the person to be recalled (signatures collected voluntarily without payment); and (2) the recommendation of a simple majority of an ethics taskforce of the Board of Regents.

3.4.4 Term Length and Limits

Regents would be eligible to serve a maximum of two terms. If a Regent is appointed or elected to serve the remainder of a term vacated by another Regent, then that term would count as one of the maximum two terms only if less than one third of the term remained.

Further discussion should address the relative benefits and disadvantages of 2 6-year terms versus other arrangements, such as 3 4-year terms.

There is also a need for a discussion of the most appropriate term lengths for appointed and some elected Regents. This present report's 5,2 proposal outlined here has suggested 6 years, but some people argue that 6 years is too long, while others contend it is too short. 6 year terms can help meet need for institutional continuity, and still enable some degree of accountability if coupled with the

⁸⁵ A prominent example is the claim that Nader was a spoiler in the 2000 elections between Bush and Gore by capturing votes in Florida that otherwise might have gone to Gore.

possibility of recall of Regents not performing their duties or reflecting the priorities of the people of California.

3.5 Other Elected University Boards

The possibility of meaningful reform is illustrated by the fact that four other major state university systems have public elections for all or most of their members of their university Board of Regents.⁸⁶ These are Colorado, Nebraska, Nevada, and Michigan – the latter of which is routinely cited as a peer of UC campuses. No university system is perfect of course, and these Board structures invariably have their own problems. By closely considering the history and debates about Regent governance and election at these university systems, we can gain important insights about what may be the most appropriate system for California, recognizing of course that California is unique and will require a Board tailored specifically for its conditions and goals. More research on these topics is needed, and only cursory sketches are given in the following sub-sections.

3.5.1 Colorado

The public elects all 9 of the Board of Regents of the University of Colorado system. Regents serve staggered terms and are elected via geographical districts. The elected Board of Regents was established by Colorado's constitution in 1876. Before 1973, regents were elected in state-wide elections. Partly due to the progressive politics infused through democratically elected Regents, the University of Colorado was the first public university in the state to extend benefits to same-sex partners of university employees (In contrast, CA Governor Wilson reportedly appointed a Republican ally as a Regent in 1999 in order to block such a measure in the UC system).

3.5.2 Michigan

In the University of Michigan system, 8 of 9 Members of the Board of Regents are elected by the public. The same is true for the Board of Trustees of Michigan State University. This policy was laid down in 1850 in the state constitution. Initially, regents were simultaneously selected from each of eight districts. In 1863 terms were staggered. In 1908, the Superintendent of Public Instruction was added as an ex officio member, reversed in 1963.

3.5.3 Nebraska

The public elects 8 of the 12 members of the Board of Regents of the University of Nebraska system. The Constitutional Conventions of 1871 and 1875 proposed electing the Regents. Regents are elected on a nonpartisan ballot from districts for 6-year terms. Three students also serve as non-voting members. Governor Kerrey proposed in 1985 to switch to appointed Regents, but was unsuccessful. In July 2006, Regent David Hergot was removed from office by the Nebraska Supreme Court for violating state campaign finance laws, accused of failing to disclose campaign activities that would trigger public funds to go to his opponent.

3.5.4 Nevada

All 11 of Nevada's Board of Regents are elected by the public. A ballot initiative to change the system was put to voters in 2006 but failed. In 2007, a reform bill was proposed to shift to Gubernatorial appointments of Regents.

⁸⁶ See Education Commission (1997); Hebel (2004).

3.5.5 Pennsylvania

One of the 39 members of the Board of Trustees of the Lincoln University system is elected by the public.

3.5.6 Illinois

Illinois used to have trustees elected by the public. It switched to gubernatorial appointments. The result, some argue, was that the governor appointed close associates.

3.6 Alternative Options

The proposed BoR structure laid out above is only a proposal. It will hopefully stimulate serious analysis and discussion on different variations and different possible alternative forms of governance of the BoR, and their relative advantages and disadvantages. As discussed in the ‘Principles for Reform’ section above, the strongest BoR may arise out of combining several different mechanisms of selection, so it should be born in mind that various options are often – though not always – compatible and complementary to one another.

The sections below discuss some of these alternative options, including:

- varying the proportions of Regents selected by different groups
- selection of Regents by each UC Campus
- several union-nominated Regents
- selection of Regents mostly by the legislature
- nomination by unions
- shifting UC jurisdiction under the state legislature

After discussing these options, the report considers potential concerns and risk mitigation measures, before then going on in Chapter 4 to discuss avenues of reform for actually formally institutionalizing the proposed new structure of the BoR.

3.6.1 Varied Proportions

The following table summarizes other potential variations in the composition of the Board of Regents. Some of these differences are discussed in the following sub-sections. The tradeoffs of the different options should be a subject of discussion and debate. A broad poll could also be conducted to see more precisely which proportions people prefer.

Table 7: Potential Variations in the Composition of Regent Representatives

	5,2	CRU	A	B	C	D	E	F
<i>Public</i>	5	9	10	10	5	5		
<i>Students</i>	2		2	3	2	3		8
<i>Staff</i>	2		3	3	3	3		8
<i>Faculty</i>	2		2	3	2	3		8
<i>Ex Officio</i>	5	8	9	7	9	7		
<i>Governor</i>	5				5	5		
<i>Legislature</i>	5							
<i>UC Campus</i>								
<i>Campuses & Communities</i>		10					20	
	26	27	26	26	26	26	20	24

3.6.2 Regents by University Campus

Option E above illustrates a proposal to have 2 Regents from each of UC's 10 campuses. However, this system could arguably lead to competition amongst campus-based Regents to bring home pork projects, rather than a commitment to system-wide excellence and synergy. In such a proposal, it would be difficult to ensure that there are always student, faculty, and staff representatives on the Board. Perhaps the greatest objection to such a proposal would be that the UC is financed by state taxes, and thus the citizens that are taxed should have some say in the selection of the Board, rather than just immediate stakeholders within the UC system.

The option put forward in 1993 by the Committee for a Responsible University proposes having a Regent selected at each UC campus through Campus Councils (in addition to ex-officio and publically elected Regents). These Councils, under CRU's proposal, would be composed of the chancellor 5 representatives elected each by campus faculty, staff, students, and county citizens (see Appendix for more details). The last is a particularly unique and interesting feature, since the UC Campuses often have very important relations (also often conflicted relations) with their local communities.

3.6.3 Several Union-Nominated Regents

A Regent or several Regents would be selected through University-wide nomination by unions. While certainly some staff representation on the Board of Regents seems necessary, not all staff are members of unions, nor represented by unions.⁸⁷ Restricting Regental representation to a union member or a person representing unions seems less open than having Regents who represent staff in general, and the final Regent may well be a member and office-holder of a union.

On the other hand, organizing elections among all staff may be logistically challenging. Would it be worth the possibility of perhaps a smoother Regental selection process to piggyback on unions' existing organizational structures?

3.6.4 Legislative Selection

The state legislature would select Regents. Legislatures select Regents at some other states' post-secondary education institutions. This option – which forms part of the 5,2 proposal above – draws on

⁸⁷ Some unions, like the UAW for graduate student instructors, represent students that are non-members.

indirect democracy through the elected assembly members' choices of Regents. A possibility within this option would be to have slots for Regents from amongst students, faculty and staff.

It would have to be decided which group within the legislature would select such Regents, through which processes, and on which criteria. The education committees of the Senate and/or House would seem to be appropriate groups. Prospective Regents could apply for the position. The risk is that such prospective Regents may donate financially to members of the Education Committees, though limits on such contributions could be set. Another consideration is whether to have selections from the Committees (or some sort of joint group or advisory committee) be ratified by the Senate and/or the House (by a majority seems most reasonable, rather than two-thirds).

3.6.5 UCSA Selected Student Regent

An alternative for the ex-officio UCSA President Regent would be to have the UCSA select a student Regent. This may be a reasonable switch if discussions with UCSA, UCSA Presidents, and others show that the requirements of being a UC Regent are too onerous for the UCSA President, given the President's other duties and time commitments.

A key change that should be considered is to alter the existing process for selecting a student Regent (see Figure 1). Currently, candidates apply to UCSA, which then reviews applications and forwards three nominees from which the UC Board of Regents chooses. BoR selection from amongst three nominees potentially leads to a more insular Board, and could be replaced by direct appointment by UCSA after a democratic selection process.

3.6.6 UC under the State Legislature

In May 2009, legislation was introduced as SCA 21 and ACA 24 to formally expand legislative control over the UC beyond the fiduciary/budget control it now holds.⁸⁸ This change would establish authority similar to that exercised over the CSU. These bills began to touch on some issues related to a more democratic Board of Regents, and hence its worth considering in more detail how they were received.

The bills received the support of UPTE, AFSCME, the California Labor Federation, and thousands of letters and emails. President Pro Tem Darrell Steinberg blocked these measures by holding SCA 21 in the Rules committee after having previously moved it to the Education Committee, though he stated that he is "committed to allowing any ideas to be heard at some point."⁸⁹ UC President Mark Yudof outlined opposition based on the claims that existing legislative oversight is sufficient, that "the University remains committed to public accountability and transparency in all that we do," that the legislation would raise costs by lower UC's bond rating and reduce private donations, and that such control would threaten academic freedom (a copy of Yudof's letter is in the Appendices, sub-section 7.4.11.1). A statement from the UC made similar claims (see sub-section 7.4.11.2), as well as the retrograde head-in-the-sand assertion that the UC "has thrived under the system of autonomous governance, led by the Regents, that was so wisely written into the Constitution by our pioneers." The California Alumni Association launched a campaign "Hands Off UC" to defeat the bills by encouraging emails to state legislators. The Council of UC Faculty Associations expressed their support for "regental autonomy" in a letter, arguing also "We are concerned however that the current debate over regental autonomy is distracting both the legislature and the UC administration from the policy debate that the state should be having over the values of quality, access, and affordability articulated in the Master Plan and the

⁸⁸ The bills were authored by Leland Yee, Roy Ashburn and Gloria Romero in the Senate, and Brian Nestande and Anthony Portantino in the House.

⁸⁹ Sweeney, J.P. (2009) Bills Giving Legislature Control of UC Shelved, *Sign On San Diego*, July 10.

future of UC as a public institution.” The UC Academic Assembly also passed a resolution stating naively “That the existing provisions of Article IX, Section 9 of the Constitution of the State of California provide for sufficient oversight by the legislature and elected officials of the University; and ...that preservation of Regental autonomy is essential to ensuring that the University is ‘independent of all political or sectarian influence,’ which is critical to maintenance of the University’s excellence in teaching, research, and service”

3.7 Concerns & Risk Mitigation

Several concerns and risks are frequently mentioned in response to the idea of a more democratic Board of Regents, including wealthy or interest-group capture, political party control, ignorant voters, experience elsewhere, and institutional memory. This section discusses some of these concerns and which steps in the proposal laid out above address these concerns and risks.

3.7.1 Wealthy or Interest Group Capture

One of the most immediate questions that arises when discussing the idea of a more democratic UC Board of Regents is how to prevent seats from simply being purchased by wealthy candidates able to finance large election campaigns. This concern has been addressed in a number of the points above. Firstly, there would be requirements that the candidate would have to have some experience in public service and higher education, campaign contributions would be limited, and publically financed elections would be used. However, people should still investigate the possibility of restricting Regent election financing to public funds, which may depend on whether Regents are considered normal state public officials or not. Another key question is the fiscal impact on the state of publically financed elections, and which criteria should be used in order to qualify for public financing, and how the level and maximum of such financing would be determined. Internet coverage plus a minimal supplement should be sufficient for student, faculty and workers

3.7.2 Threats to Academic Freedom

Others have raised the question of whether a more democratic Board of Regents would threaten academic freedom by having curricula and research agendas set by political ideologies. Would a Republican dominated Board mean more hiring more administrators and faculty with predilections towards free market economics, and a Democrat controlled Board entail more courses on labor unions? This concern is totally unwarranted. To be clear, a more democratic Board of Regents would be even more open and accountable on preserving academic freedom and the division of labor between Regents’ focus on administration and faculty focus on education and research. What is being changed is not the basic role of the Regents, but rather the process of selecting Regents.

3.7.3 Threats to Educational Integrity

Another pertinent question is what if someone with an anti-education, anti-evolution, or anti-intellectual approach is elected? As described above, the 5,2 proposal is a hybrid one with Regents selected through a number of different ways, and is thus fortified with checks and balances. Extremist anti-education or anti-science candidates would likely only be able to capture 1 or 2 at most out of 26 regents, and thus would have a negligible impact. Also, if it was shown that they had not fulfilled their obligations, they could be recalled.

3.7.4 Political Party Control

In order to prevent political party control of the selection of Regents, candidates would be prohibited from advertizing affiliations with political parties. Also preferential voting, would allow voters to rank their top 3 candidates. This ranked choice voting would ensure that people would be able to vote for

their most preferred candidate without the risk that a vote for a little known candidate would preclude them from also supporting a more well-known candidate as a backup.

3.7.5 Ignorant Voters

What about the risk that voters simply will not be informed or bother to be informed in making their choices for UC Regents? This is inevitably part of many elections. It is worth noting that this phenomena occurs – arguably even to a greater extent – with the current Governor-appointee dominated system. The aim of the hybrid 5,2 proposal is that there a diversity of selection processes, which helps minimize the risk that the Board would be dominated by Regents selected by uninformed or unconcerned voters. It is also worth noting that voters are much more educated now than when the UC BoR system was designed.

3.7.6 Comparisons

Some people have expressed the concern that the existing Board of Regents structure has enabled UC's success as a top-level university system, and such success would be reduced with a more democratic board of Regents. In reality, California's economy has generated enormous wealth and resources, and these – together with the Master Plan – have enabled a top quality university system **DESPITE** UC's undemocratic governing structure and the heavy political influence in practice in selecting Regents. UC's governing structure has now become an unavoidably antiquated hindrance. If the UC achieves a democratic governing board, it will become an even greater University system by keeping with historical trends towards greater openness, democracy and transparency needed to meet the challenges of the 21st Century.⁹⁰

3.7.7 Institutional Memory & Experience

Multiple mechanisms will ensure that new and incumbent Regents have the adequate experience, skills, and knowledge needed to perform their duties.

Running the UC system is a large task, and as a consequence, currently Regents depend heavily on staff and the UCOP for essential support. Such support would continue under the proposed 5,2 hybrid structure. Elected Regents would also gain experience and insight through a shadow system in which Regent-designates attend and observe meetings but are not able to discuss or vote.

A clear response can be given to those critics who would say that the UC needs a Board filled with investment bankers because the UC handles many complicated decisions with its large and complex budget and investments. Firstly, bankers are a minority on the current Board. Secondly, a whole host of support staff will be there to help. Thirdly, current finance-related Regents handle issues in inappropriate ways. Fourthly, a new curious mind can rethink taken-for-granted assumptions, and can help make issues and decisions more transparent by engaging the public in the course of his/her own learning process.

⁹⁰ The other universities and university systems with publically elected Boards of Regents are generally ranked lower than the UC **DESPITE**, rather than because of, their elected governing body.

4. Reform Process

This section discusses three key next steps necessary to achieving a more democratic structure of the Board of Regents. Firstly, a wide group of people needs to deliberate to figure out the most appropriate structure to be pushed through the political-legal process. Secondly, reforming the Board of Regents requires one of three options for amending the state Constitution: a ballot initiative, a measure in the state constitutional convention, and a referendum from the legislature. The relative feasibility and tradeoffs of each of these avenues needs to be investigated and discussed.

4.1 Deliberation

Broad public deliberation will be necessary to build up an appropriate set of measures to reform the structure of the UC Board of Regents. This report is an effort to initiate a conversation that will lead to a broad coalition that can usher through needed reforms.

Deliberation can take various forms. The following is by no means an exhaustive list, but possible forms of deliberation might include the following. Meetings can involve various groups, campus meetings, community meetings, hearings in the California legislature, academic courses, and workshops, among others. Other Discussions can happen by telephone and with family, friends, faculty, students, staff, and visitors. Online media can include email listservs, blogs, e-conferences, and others. Other written work might include position papers, op-eds, drafts of legislation, and articles in newspapers, magazines and/or journals.

4.2 Legal Avenues

There are three main legal avenues through which the California state constitution has been changed – hundreds of times! – since it was originally written in 1849. These avenues are a referendum, a ballot initiative, and a constitutional convention, and each is discussed below. A ballot initiative requires a great deal funding and volunteering to require signatures; a referendum might encounter intransigence of the state legislature and the governor. A constitutional convention may offer some possibility, but could be tightly controlled by the political heavyweights that are organizing it.

A ballot initiative seems to be the most feasible option for reforming the Board of Regents. Many valuable lessons on organizing and politics can be gleaned from the many experiences with legislation on the UC (some of which are in Appendix 8.6). The University of California Student Association has been a key organizer and supporter of many legislative efforts. The UC Berkeley student government passed a resolution supporting a more democratic Board of Regents, and such efforts must be scaled up so that the UCSA must express public support for reforming the Board of Regents. Work is therefore required to gain the support of the student governments at the 10 UC campuses in order to bring the UCSA fully on board. The UCSA has an annual priority-setting conference in the summer of each year where issues of BoR reform should also be discussed. Because the California State Universities have a similarly undemocratic Board of Trustees – and many similar accompanying problems – there is potentially room for gaining strength and numbers needed for reform through an alliance between the CSUs and UCs.

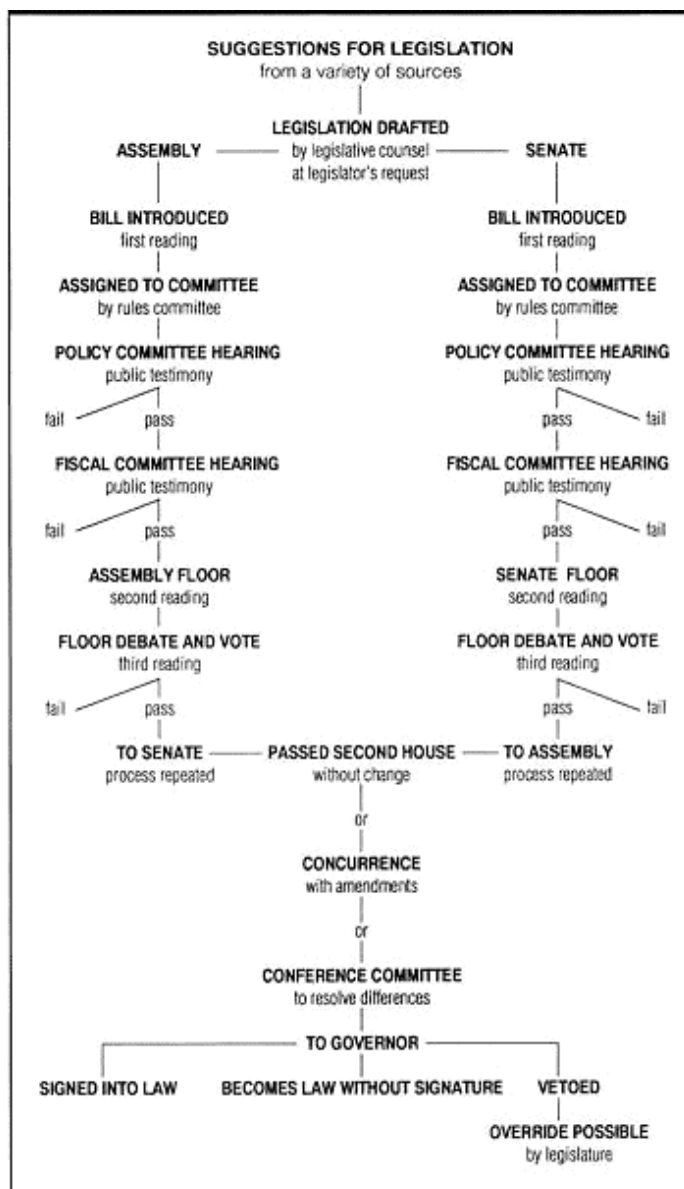
4.2.1 Referendum by the California State Legislature

The California state legislature may start the process of amending the California Constitution by passing an act by two-thirds in both houses, which then is put on the general election ballot, where it requires

50% +1 to pass. This avenue is a real possibility, despite the state legislature's full agenda and is disagreements. UC and state budget and political conditions may also shift, particularly as students, faculty and staff become more organized. There may be windows of opportunity. Key current and recent legislators with whom support, insight, and contacts might be shared include Gloria Romero, Portantino, Alberto Torrico, Beall, Block, Bonnie Lowenthal, Leland Yee, Jeff Denham, Nestande, Mark de Saulnier. and others to be determined.

The legislative process is as follows:

Figure 11: Typical Path of Legislation



4.2.2 Ballot Initiative

The California Constitution can be changed through ballot measures, and California has an extensive, controversial history around so-called ‘direct democracy’ through such ballot measures (most recently with proposition 8 on same-sex marriage, and importantly with Proposition 13 in 1978).⁹¹

Ballot measures to amend the state constitution require gathering 8% of the total votes cast in the previous gubernatorial election, which today equates to collecting almost 700,000 signatures. However, the number would most likely need to be more than 1 million, due to illegible and disqualified signatories. The initiative process is arguably susceptible to the heavy influence of money, as signature gatherers can be paid, and paid advertising can swing voters. However, there is also room for great contributions from volunteers, and for people to make up their own minds on initiatives. The offices of the California Attorney General and the Secretary of State are key agencies coordinating the ballot process. To be put on the following year’s November ballot, initiative text must be submitted by September (see timeline). It is not clear whether an initiative to reform the Regents would have more possibility of success in a November or June election, or a regular or off-year election.

There is valuable experience with previous education-related ballot initiatives, particularly the Tuition Relief Now Act. This proposed ballot initiative was supported and facilitated by the UCSA and the Greenlining Institute, and gathered hundreds of thousands of signatures, but was unable to qualify for the election.

Table 8: Ballot Timeline (for November Ballot)

Late September	Submit proposed measure to Attorney General and request title and summary
Mid November	Attorney General prepares and issues title and summary; collection of petition signatures can begin
Mid April	End of signature collecting
Late June	Secretary of State determines if ballot measure qualifies to go to the general election

Source: California Secretary of State⁹²

4.2.3 California Constitutional Convention

Californians have held two conventions to write and then rewrite the state constitution (in 1849 and 1878), but many attempts have been made to hold a convention (in 1897, 1914, 1919, 1930, 1934, and 1947).⁹³ Participating in such a convention might be one avenue through which changes in the structure of the BoR might be achieved. Key issues that come up in such conventions are who are the delegates, how are they chosen, what is the scope of the convention, and what process do they go through in writing the new draft constitution.

⁹¹ Self (2005); Baldassare and Katz (2007).

⁹² <http://www.sos.ca.gov/elections/suggested-initiative-deadlines/2010-suggested-initiative-deadlines.pdf>

⁹³ In numerous other states, every 10-20 years voters are automatically asked if they want to authorize a state constitutional convention. www.repaircalifornia.org/Docs/Meeting/QandA_May2009.pdf

Currently, calling a constitution convention requires a 2/3 vote by the legislature in order for the call for a convention to be put on the general ballot. If a majority of citizens then vote for the convention, it would be held within 6 months, and then the draft constitution would be put on the ballot to be passed by a simple majority in a general election.

A range of organizations have been working on calling a constitutional convention in the next few years. These efforts have been largely spearheaded by the business group the Bay Area Council, however a range of other groups representing very different perspectives and constituencies, such as Common Cause, have also joined in the effort. More information can be found online, for example through www.repaircalifornia.com. A key figure pushing the convention process has explicitly cited “our rapidly disintegrating public higher-education system” as a reason to hold the convention.⁹⁴

Because these groups view the legislature as intransigent, they are trying another move in order to bypass legislative control over the call for a convention. They are attempting to pass a ballot measure that would amend the California constitution such that a call for a convention could be issued through a general election, rather than exclusively initiated by the Legislature. Both ballot measure texts have been formally approved and now supporters must collect nearly 700,000 signatures by early 2010 in order for the measure to be put on the ballot for the general election later in 2010.

4.3 Advocacy and Pressure

While the three legal avenues laid out above are the key formal channels by which the structure of the BoR can be changed, these procedures would most likely only occur with significant concurrent support, pressure and advocacy. These would hopefully include not only the standard set of tactics – such as letter writing, lobby visits, post-card campaigns, strikes and rallies, advertisements, etc – but also new and creative activities.

One option that has been mentioned is to proceed with elections for Regents by functional groups (staff, students, and faculty) and use lobbying and, if ultimately necessary, civil disobedience measures to demand that these elected Regents be seated (see full proposal in Appendix 7.2.2).

⁹⁴ Wunderman, J. 2009 Call the Constitutional Convention, *SF Chronicle*, Nov 14.

Table 9: Comparison of Legal Avenues

	<i>Cost</i>	<i>Schedule</i>	<i>Time Commitment</i>	<i>Likelihood of Success</i>
Legislative Referendum	Medium – cost of lobbying (which can be offset somewhat by faculty, student and staff efforts, including through existing organizations such as UCSA, CUE, etc); cost of advertising for final election	Short basic time frame; long preparation	Long & intense for consistent lobbying	Medium - Opposition from assembly members possible, and possibly from the Governor (depending who wins in 2010)
Ballot Initiative	Medium-high - cost of collecting signatures (though volunteering can help); cost of advertising	See Timeline Table above	Key phases are collecting the signatures, and then advertising before the election	Medium-High – depending on advertising campaign
Constitutional Convention	Low – Piggy-backing on Convention Process	Depends on whether there are challenges to the ballot initiatives; if approved, convention is held within 6 months, and then presented at next general election	Low intensity during the process of calling the convention, then furious during the actual convention	Medium – depending on groundwork & preparation and structure of convention

5. Conclusion

This report has presented a detailed, constructive proposals for moving forward in reforming the UC. The report presents a history of, and rationales, proposals, and avenues for making the UC Board of Regents more democratic, more representative, and more accountable.

As this report was being drafted in the Fall of 2009, the UC system was in news media across the state, country and world due to the dramatic measures taken on layoffs, furloughs, and student fee hikes, and the protests registered by staff, students, faculty, and other supporters. Yet these concerns more often than not are not resolved. Because protesting groups do not have any legal or political recourse for actions taken by the Regents, other tactics, such as building occupations, sometimes come to appear as the only substantive avenue of influence. Discussion of the need to democratize the Regents has been part of protest organizing over the past few years on a number of related issues.

Other proposals from UC President Yudof that students don 'We're UC and We Vote' buttons or call aloof legislators in Sacramento are naïve and do not address the structural problems of UC governance identified above. Yet, university administrators are determined to neither permit occupations nor negotiate demands of occupiers.

Thus, an enormous, potentially destructive stalemate is brewing. Democratizing the Regents is an important way forward.

This report has outlined a meaningful proposal for structural changes in the echelons of the University that have far-reaching consequences. The changes proposed are not mere window dressing, nor token reform that leaves status quo largely intact. The proposal can provide a specific, positive agenda – rather than simply a reaction against cuts – that can unite an emerging movement for public higher education.

Reform of the UC Board of Regents will go a long way to helping renew the UC, but it will not solve all of the system's problems. The campaign to reform the Regents will be more successful if paired with ongoing efforts to garner public support for reinvesting public funds in education and public services more generally.⁹⁵ Foremost among these is resolving the annual political impasses over the budget through reforms that making a simple majority vote (rather than the present 2/3 'supermajority') in the legislature sufficient to pass or reject with state financial matters.⁹⁶ However, a movement to reinvigorate public funding will only win and be effective with governance reform. This is because, in the wake of repeated scandals and controversies, a significant portion of the California public is loathe to contribute more in taxes to higher education because it views as the UC as elitist, dysfunctional, unaccountable and wasteful.⁹⁷ Thus, there is a strong synergy in joint campaigns for public services and governance reform – in tandem, they will mutually strengthen each other.

Governance reform is essential for the UC to flourish as one of the world's top public higher education systems. Because the past, present and future of the UC and California are so tightly interwoven, improving the UC Board will also be complementary to broader processes of reforming California's society, economy and political institutions.

⁹⁵ See Glantz and Hays (2009).

⁹⁶ See also <http://keepcaliforniaspromise.org/> and <http://www.californiansfordemocracy.com/>

⁹⁷ (2009) Poll: Flunking Grades for Governor, Legislature on Higher Education, *California Progress Report*, 11 Nov.; Baldassare et al (2009).

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7. Appendices

7.1 Past Legislation on the UC Board of Regents Structure

Below are the official voter guide text, descriptions, and debates for Ballot Proposition 5 (1972) and Propositions 4 and 16 (1974).

APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA.**5**

Legislative Constitutional Amendment. Requires that appointments to the Regents of the University of California by the Governor be approved by a majority of the membership of the Senate.

YES**NO**

(For full text of measure, see page 5, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to require that appointments by the Governor to the Regents of the University of California be approved by the State Senate.

A "No" vote is a vote to reject this revision.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 9 of Article IX of the California Constitution now empowers the Governor to appoint 16 members of the Regents of the University of California and to fill vacancies in such memberships by appointment. The appointments are not subject to approval by the State Senate.

This measure would require that such appointments be approved by a majority of the members of the State Senate.

Argument in Favor of Proposition 5

The people of the State of California should be aware of the fact that a most important appointment is not subject to Legislative confirmation.

The Constitution of the State of California provides Senate confirmation of many Boards and Commissions but overlooks completely the Board of Regents of the University of California. Each member of the Board of Regents is appointed for 16 years and controls a vast educational system with an annual budget of over \$337,000,000 and a total of nine (9) campuses with over 110,000 students.

Proposition 5 would make the Board of Regents of the University of California subject to confirmation by a simple majority of the State Senate.

This amendment would, in no way, prevent the Governor from choosing an appointee, for it would only allow the State Senate to ratify or reject the choice of the Governor.

It would, therefore, allow for the careful consideration of the qualification of members of the University of California Board of Regents by two branches of government, the same consideration now given appointees to many lesser bodies that have a far smaller effect on the State of California.

The people of the State of California must be given an opportunity to pass upon the ap-

pointments to the extremely important office of Regent of the University. Adoption of this amendment will give the people, through their elected representatives, that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

Rebuttal to Argument in Favor of Proposition 5

The arguments both "for" and "against" Proposition 5 raise the following points:

1. Should this proposition pass, will not the appointing process of the Regents devolve into a highly political situation? Matters of public education have traditionally been nonpartisan in California.
2. The Senate's current powers to reject or accept appointees is limited and does cover other bodies concerned with education such as: Board of Governors of the California Maritime Academy, Teachers' Retirement Board, Educational Innovation and Planning Commission, California Advisory Council on Vocational Education and Technical Training, etc., etc.

If the selection of the Regents is to be approved by the Senate, what about the other educational bodies?

Would a lack of uniformity exist if we change the procedure for one body, but not the others?

Remember, it is not the people of the State of California who would be given an opportunity to pass upon these appointments, but rather your state senator who is one man of forty in the Senate.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Argument Against Proposition 5

Proposition 5 (SCA 44) would inject substantially more politics into the appointment of the Regents of the University of California than, what is claimed by some, presently exists.

Proposition 5 (SCA 44) would erode constituted powers of government by diluting

Governor's power to appoint the Regents of the University of California.

If this proposition passes, no individual could be appointed without the concurrence of a majority of the 40-man State Senate. The State Senate, as part of the legislative body, has over the years become increasingly more partisan. Bitter partisan fighting held the legislators in Sacramento all of 1971, setting a record for the longest session in California's history. Agreement on the major issues was long in coming, or was never reached.

With the current mood of the Legislature it is very conceivable that vacancies on the Board of Regents would remain unfilled for an inordinately long time as the issue of ratification of nominees became bogged down with partisan in-fighting.

To safeguard our precious democratic process in this Republic, a careful distribution and balance of powers among the three branches of government must be maintained. The usurpation of any of the ongoing practices of any branch can be hazardous.

This proposed dilution of the Governor's powers could be very detrimental to the University by causing delay and thus deprive the University of badly needed leadership. Under an Executive Branch of both parties, for the past 100 years men and women of high caliber stature have been selected to serve the university.

Out of six new appointments in recent years under the current Governor half of the individuals have Doctor of Philosophy Degrees. The University has continued to excel in all of its endeavors.

There is no evidence to indicate a need for change in the selection process to an obviously more political approach.

I therefore urge a "NO" vote on Proposition 5.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Rebuttal to Argument Against Proposition 5

The argument against proposition 5, unfortunately, fails to address itself to present circumstances and the intentions of SCA 44 to improve them. The people of the State of California have no means of expressing any control whatsoever over the selection of appointments to the extremely important position as a member of the Board of Regents of the University of California.

Under the present system nearly every other gubernatorial appointment is subject to Legislative review in order that the concerns of the people may be heard. The interests of the people can best be protected by the requirement that the Legislature approve these appointments.

Review of appointments by the Senate has long been a historical and Constitutional prerogative and its extension to this important board complements rather than violates the argument of separation of powers.

When the President of the University of California acknowledges that the UC Board of Regents is "an elite group not fairly representative of California society" the people should demand a change. A YES vote on proposition 5 provides that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

6 NATURALIZED CITIZEN VOTING ELIGIBILITY. Legislative Constitutional Amendment. Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.

YES

NO

(For full text of measure, see page 6, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to eliminate the provision from the Constitution which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days prior to any election.

A "No" vote is a vote to retain the constitutional provision which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the California Constitution now requires that a naturalized citizen be a citizen for 90 days prior to any election before he is eligible to vote. This measure deletes this requirement.

If this measure is adopted, certain statutory provisions enacted by Chapter 1760 of the Statutes of 1971 (Assembly Bill No. 210) will become operative (see analysis of Chapter 1760 below).

Ballot Title

REGENTS, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds vice-president of alumni association as ex-officio member. Adds two additional members appointed by Governor with approval of Senate. No appointment to new term shall be made during first year of any gubernatorial term. Reduces terms from sixteen to twelve years after 1976. Allows regents appointment of one faculty member of institution of higher education and one student to board. Requires regents be persons reflecting economic, cultural and social diversity of state, including ethnic minorities and women. Provides for advisory committee which Governor must consult with in selection of regent appointees. Financial impact: Minor increase in state costs.

FINAL VOTE CAST BY LEGISLATURE ON SCA 45 (PROPOSITION 4):

ASSEMBLY—Ayes, 58
Noes, 15

SENATE—Ayes, 27
Noes, 1

Analysis by Legislative Analyst

PROPOSAL:

The Constitution establishes the Regents of the University of California to govern the University. The Regents presently consist of 24 members. Sixteen are appointed by the Governor and eight serve on the board because of other offices they hold. These ex officio members are the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the University of California Alumni Association, the President of the University, the President of the State Board of Agriculture, and the President of the Mechanics Institute of San Francisco.

This proposition revises the make-up of the Regents, and as to those appointed by the Governor reduces their term of office, and establishes a new procedure for their selection.

Membership of the Regents. This proposition makes the following changes in the membership of the Regents:

(a) It increases the total number of Regents from 24 to 25 and authorizes a potential of 27. This is accomplished (1) by adding two Governor-appointed members, so that the total number of Governor-appointed members increases from 16 to 18, (2) by reducing the total number of ex officio members from eight to seven, and (3) by authorizing the Regents to appoint up to two additional members.

(b) If the Regents decide to appoint persons to fill these two authorized positions, one must be serving on the faculty at an institution of higher education in California and the other must be a student enrolled at a University of California campus.

(c) The Regent-appointed members shall serve for not less than one year.

(d) The ex officio memberships taken off the Regents are the President of the State Board of Agri-

culture and the President of the Mechanics Institute of San Francisco.

(e) The ex officio member added to the Regents is the Vice-President of the University of California Alumni Association.

Shortened Term. The proposition reduces the term of office of the 18 Governor-appointed members from 16 years to 12 years.

Selecting Regents. The proposition requires the Governor to consult with a 12-member advisory committee in selecting his appointees to the Regents. The advisory committee consists of (1) the Speaker of the Assembly, (2) the President pro Tempore of the Senate, (3) the Chairman of the Regents, (4) a member of the faculty of the University of California chosen by the academic senate of the University, (5) a student of the University of California chosen by the Council of Student Body Presidents, (6) an alumnus of the University of California chosen by the alumni association of the University, and (7) six public members of which two each are appointed by the Speaker of the Assembly, the Rules Committee of the Senate, and the Governor.

FISCAL EFFECT:

The measure will cause a minor increase in state costs. One reason for this is the increase in the number of Regents. Regents receive a per diem when attending meetings away from home, are served lunch, and are reimbursed for travel costs at tourist rates. Another reason is that there may be some costs associated with the operation of the advisory committee. It is not possible at this time to determine precisely what these costs will be. Based on past experience, we believe the total fiscal impact will be minor.

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 45 (Statutes of 1974, Resolution Chapter 85) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE IX

First—That subdivision (a) of Section 9 of Article IX is amended to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of ~~eight~~ *seven* ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, ~~the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the president and the vice president of the alumni association of the university and the acting president of the university, and 16~~ *18* appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the ~~appointive~~ *members appointed prior to November 5, 1974*, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every ~~ren-numbered~~ *ren-numbered* calendar year, and *two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceeding paragraph.*

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term as to for which such vacancy exists.

(c) *The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the*

board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) *Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.*

(e) *In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.*

(f) *The regents of the University of California said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that . The Regents shall receive all moneys funds derived from the sale of public lands donated to this state by pursuant to the act of Congress approved of July 2, 1862, (and the several any subsequent acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies; and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts; in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished . The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.*

Second—That subdivision (b) of Section 9 of Article IX is amended and renumbered to read:

(b) (g) *Meetings of the regents Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.*

Argument in Favor of Proposition 4

Proposition 4 is designed to preserve the essential independence of the University of California, while also providing for meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California. Proposition 4 strikes an appropriate balance between increased public participation in the affairs of this great institution and the need to keep the University free from unwarranted political interference. In Proposition 4 this balance is achieved by preserving many key principles which have guided the University throughout its more than 100 years of service to the people of the State. Thus, the representatives of the people—the Governor, the Lieutenant Governor, the Speaker of the Assembly, and the Superintendent of Public Instruction will continue to serve as members of the Board of Regents. The Governor retains his right to select appointive Regents, subject to confirmation by the State Senate, a provision which the people adopted in 1972. These provisions assure that the elected representatives of the people will continue to have a voice in the governance of the University.

On the other hand, a number of changes proposed in Proposition 4 are designed to insure that the University will be more responsive and reflective of the interests of a rapidly changing California. Proposition 4 would shorten Regents' terms from the current 16 years to 12 years, add two public members, add an additional alumni member, remove the President of the Mechanics

Institute and the President of the State Board of Agriculture from the Board of Regents, establish an advisory committee to the Governor to assist him in selecting Regents, and authorize the Regents, at their discretion, to appoint a student and/or faculty member as a member of the Board of Regents.

Additionally, Proposition 4 provides that the Regents shall be able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women. This statement recognizes that the University, which touches the lives of all Californians through its teaching, research, and public service programs, should be guided by qualified persons sensitive to the breadth and richness of California society.

During legislative debate, this measure enjoyed the support of alumni leaders and of spokesmen for the faculty, students, and the Regents themselves. It passed the Legislature overwhelmingly: 27-1 in the Senate and 58-15 in the Assembly. It is a reasonable and responsible reform proposal. It deserves your support.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA

Senator, 5th District

Chairman, Senate Education Committee

JOHN J. MILLER

Assemblyman, 17th District

CHARLES J. HITCH

President, University of California

Rebuttal to Argument in Favor of Proposition 4

The proponents of Proposition 4 suggest that it provides "meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California." Having served on the Joint Committee on the Master Plan for Higher Education, I truly question this statement. I fail to see how adding a second alumni representative, removing agriculture's representative, and possibly adding student and faculty members with full voting privileges will accomplish this. Rather, I believe these changes will make the Board less responsive to the taxpayers of California.

Why should alumni be so over-represented, at the expense of California's number one industry, agriculture?

Should student and faculty members be placed on the board of directors of this \$1.1 billion corporation for just one year? Do they have the experience, the exper-

tise, necessary for making major decisions? Do they truly know the "needs and aspirations" of the people, the taxpayers, of California?

And, there is nothing in the present Constitution which prohibits Regents from being "able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women."

Are the proponents of this measure suggesting that this is not now the case, or are they trying to establish some type of "quota" system?

Shortening the terms of Regents may be positive; however, the changes in the Board's composition are ill-advised.

Accordingly, I urge your "NO" vote on Proposition 4.

JOHN STULL

Senator, 38th District

Argument Against Proposition 4

Proposition 4 is one of those proposals which has some good, but more bad. Certainly shortening the terms of office for Regents of the University of California is desirable. However, other weaknesses override this positive aspect, and, therefore, Proposition 4 should be defeated.

This proposal would make the following detrimental changes in the composition of the Board of Regents:

- a. Remove the President of the State Board of Agriculture.

This is truly unwise, because agriculture is California's number one industry (not counting government). California taxpayers now spend many millions annually in the budget for the University's Division of Agricultural Sciences. This goes into specific projects such as agricultural stations, extension programs, and research. The vital relationship between the University and agriculture must be preserved. This can best be done by retaining the State Board of Agriculture's representative on the Board of Regents.

- b. Add the Vice President of the Alumni Association.

The President of the Association is already a member, and adding a second alumni representative is unnecessary.

- c. Allow the appointment of one student and one faculty member as voting members for one-year terms.

This addition, although discretionary, is dangerous and the key reason for rejecting this proposal. Obviously, students and faculty should have input to the Board, as they now do, but giving them a vote on policy and personnel decisions (faculty and administrators) is unwarranted. The University is a \$1.1 billion corporation with extensive contracts with the Department of Defense and the Atomic Energy Commission. If length of service is important to gain necessary expertise, as so well argued by University representatives when protesting previous proposed reductions in Regents' terms, the placement of a one-year-term voting student or faculty member on its board of directors is surely an unwise policy.

The structure and independence of the University are too valuable to be changed unnecessarily. At this point, the need for reducing terms of Regents does not compensate for the negative aspects of this proposal. It should be rejected so that the Legislature may once again consider and propose needed changes in the University's system of governance which do not have the negative features of this proposal.

I urge your "NO" vote on Proposition 4.

JOHN STULL
Senator, 38th District

Rebuttal to Argument Against Proposition 4

The opposition argues that there are, among the positive aspects of Proposition 4, three "detrimental changes" to the composition of the Board. We contend that these provisions will assist the Regents in being more responsive to the needs of Californians.

- a. Remove the President of the State Board of Agriculture.

While no one would argue that agricultural interests are not important in California, it is unclear why only that economic interest should be granted an ex-officio seat. Surely, every Governor will guarantee that agricultural interests are represented.

- b. Add Alumni Vice President.

This provision recognizes the phenomenal growth of different campuses and allows for greater recognition of the role to be played by their alumni.

- c. Allow appointment of student and faculty member.

The presence of a fully participating student or faculty member on the board can add a valuable perspective to its deliberations. Authorizing the Regents to appoint these members to sit and vote

with the other 25 Regents cannot reasonably be viewed as a threat. The Regents have the option of establishing such seats. There is no requirement to do so. If adding these seats proves unworkable or is abused, the Regents can abolish them. Since the Regents also determine how such members are chosen, they can guarantee that they are responsible trustees.

We trust you will conclude, as has the Legislature and representatives of the University and its faculty, students and alumni, that Proposition 4 best embodies the changes needed in University governance.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA
Senator, 5th District
Chairman, Senate Education Committee

JOHN J. MILLER
Assemblyman, 17th District

CHARLES J. HITCH
President, University of California

Ballot Title

STUDENT TUITION, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds section 9.1 to Article IX of the State Constitution to empower the Legislature to determine whether students enrolled in state-supported regular academic terms at the University of California shall be charged for instruction and instructional facilities and the amount of such charges. Charges established by the Regents and in effect shall remain in force until acted upon by the Legislature. Financial impact: None in absence of exercise of power conferred on Legislature; if Legislature acts, financial impact will be dependent on type of action taken.

FINAL VOTE CAST BY LEGISLATURE ON ACA 85 (PROPOSITION 16):

ASSEMBLY—Ayes, 54
Noes, 12

SENATE—Ayes, 31
Noes, 5

Analysis by Legislative Analyst**PROPOSAL:**

Presently the Constitution does not allow the Legislature to decide whether tuition for instructional services shall be charged at the University of California. The Board of Regents of the University of California decides whether tuition will be charged and how much it will be.

This proposition will require the Legislature to decide whether tuition for instructional services shall be charged at the University of California, and, if so, how much the tuition shall be. The proposition does not affect fees for noninstructional services which are determined by the Board of Regents.

FISCAL EFFECT:

If the Legislature does not exercise the power to determine the extent to which tuition will be used to pay instructional costs as provided in this proposition, the

proposition will have no effect on state revenues or costs. On the other hand, if the Legislature sets a smaller tuition fee than that which the Board of Regents now charges, revenue for the University will decrease. In that case, the Legislature might make up the decrease from other state revenue sources or might require the University to cut back on its expenditures. If the Legislature sets a larger tuition fee than that set by the Board of Regents, revenue for the University will increase. In that case the Legislature might cut back on state money going to the University so that its program level would not increase, or the Legislature might allow the University to use the added revenue to increase its programs.

The University presently charges tuition of less than \$45 million annually for instructional purposes. The exact amount is unknown because no legislative definition of instructional services exists.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 85 (Statutes of 1974, Resolution Chapter 91) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE IX

SEC. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by the Legislature.

Polls are open from 7 A.M. to 8 P.M.

Argument in Favor of Proposition 16

Proposition 16 transfers the authority to levy student charges for instruction and instructional facilities—tuition—at the University of California from the U.C. Board of Regents to the state legislature. This measure does not alter the level of fees currently charged. It is not opposed by the Board of Regents or by any other group or agency.

California has a three-segment system of public higher education: the University of California, the California State University and Colleges, and the California Community Colleges. For coherent and consistent state policy, the authority to levy student charges at all public institutions should reside in one agency. The Legislature has always had the responsibility for determining the level of student fees at the California State University and Colleges and the community colleges.

When an individual governing board (such as the Regents) can levy charges independently, without regard to the impact on other institutions and state student financial aid programs, the prospects for rational state planning and coordination are diminished. Unilateral board action to raise tuition could result in denying access to qualified students. Other students would require

additional financial aid, thus utilizing a larger proportion of funds in the state scholarship program. Still more students could be diverted to the community colleges, causing an increase in property taxes. Thus, the Regents' action can affect programs and institutions for which they have no responsibility.

The levels of student charges at public educational institutions are matters of public policy. Tuition, in essence, is a form of taxation. Matters of public policy and taxation should be resolved by the elected representatives of the people, the Legislature.

This measure is neither pro-tuition nor anti-tuition. It simply reflects the belief that major public policy decisions should be made by your elected representatives. That way, you have some control. Accordingly, Proposition 16 shifts the responsibility for determining the level of student fees from the Board of Regents to the Legislature.

VOTE "YES" ON PROPOSITION 16.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

Rebuttal to Argument in Favor of Proposition 16

It seems to us that the proponents' arguments for this proposition made by Senator Howard Way and Assemblyman John Vasconcellos are contradictory. If, as they say this measure does not empower the Legislature to alter the tuition fees set by the Regents, what does it do? They admit the measure empowers the legislature to control the charges for tuition, and it does.

Next they say the measure is not opposed by the Board of Regents or any other group or agency. This claim is obviously untrue as evidenced by our opposition argument and this rebuttal.

Their argument says "tuition is a form of taxation." This is incorrect. No student is compelled to attend the University of California, but all citizens are compelled,

by government force if necessary, to pay taxes whether they wish to or not. So voluntary tuition payment is not taxation.

We believe this measure will enable the legislature to abolish voluntary tuition and shift this charge to the taxpayers.

We urge a "NO" vote at the November 5th election.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

Howard Jarvis, *State Chairman*

Edward J. Boyd, *President*

Leona Magidson, *Executive Secretary*

Argument Against Proposition 16

The California legislature now wants the new power, which it does not have now to control and determine the student tuition charges for those attending the University of California.

For this reason the legislature has put Proposition 16 on the November ballot for voter approval. If this proposition is approved by the voters, the power to determine the amount of yearly tuition the students pay, now held by the University Board of Regents, will henceforth be determined by the legislature and no longer by the Board of Regents.

We believe this is a bad proposal the people should vote against.

The legislature already has the power to control the educational policies of this state. It does not have, and should not have the additional power to be the administrators of the University of California.

The legislature is a political arm of government. It does not have the capability to be an administrative

body for other functions of government. Neither should the partisan political makeup of the legislature be the deciding force in setting the tuition for the simple reason that tuition charges should not be made into a political football.

Looking ahead, we believe it is the intention of the legislature to mandate free education at the University of California, and then add these costs to the tax bill of every citizen.

The high taxes in California have already severely reduced the standard of living for all the people of this state, therefore we believe Proposition 16 is simply the prelude to another and higher tax raise. We urge a no vote on Proposition 16 in November.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

Howard Jarvis, *State Chairman*

Edward J. Boyd, *President*

Leona Magidson, *Executive Secretary*

Rebuttal to Argument Against Proposition 16

Proposition 16 does **not** give the Legislature "power to be administrators of the University." The Board of Regents is the agency with full powers of governance and administration. The Regents do not view Proposition 16 as a threat to their autonomy and do **not** oppose its passage.

It is not the Legislature's intent to either **raise or lower** tuition. The amendment was drafted in such a way so as to insure no change in current fees. The proposition was initially proposed by a committee of ten legislators which studied higher education for two years. The bipartisan and ideological composition of the committee, like the Legislature itself, was so diverse that there was no recommendation regarding whether or not the state should charge tuition. **That is a separate issue.** However, the members did agree that the decision as to whether or not the state charges tuition—and if so, the amount—should

be made by the **elected** representatives of the people.

We agree that "tuition should not be made into a political football." Yet, the imposition of tuition in the late 1960's was very much a "political" issue in the Regents' deliberations.

The charge that Proposition 16 is a "prelude to another and higher tax raise" is **absurd and irresponsible.** If anything, Proposition 16 can save your tax dollars. Currently, an agency which has no responsibility for the state's 100 community colleges can take unilateral actions which could result in raising taxes for the support of these colleges.

VOTE "YES".

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

7.2 Other Proposals

7.2.1 CRU 1994 Ballot Initiative

BALLOT INITIATIVE FOR NOVEMBER 1994 -- RESPONSIBLE MANAGEMENT OF THE UNIVERSITY OF CALIFORNIA --

This is a grassroots campaign to reform the governance of UC, using the basic ideas of democracy to make the Board of Regents representative of and accountable to the people of California. The initiative balances the interests of citizens throughout the state with those immediately on and nearby the UC campuses; maintains the Regents' traditional connections with elected state officials, and with the established alumni and student organizations; provides a means for substantial consultation with adjacent communities on major land use decisions by UC; preserves the political independence of the University, and provides for the protection of academic freedom.

Committee for a Responsible University, 4079 Army St., San Francisco, CA 94131 8/6/93

SUMMARY

Replace the 18 regents presently appointed by the Governor for 12 year terms with:

** 9 regents elected in statewide elections, on a non-partisan basis; candidates need 6000 signatures to be nominated; voters would each cast a vote for one candidate on the ballot and the 9 highest vote getters are elected; and

** 9 regents appointed by Campus Councils and confirmed by the Assembly.

These 18 regents serve 4 year terms with a 12 year term limit.

Continue the present ** 4 ex-officio members of the Board of Regents: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction.

Continue the ** 2 representatives of the UC Alumni Association. Add ** 2 representatives of the UC Student Association (These two would replace the one student regent, now selected by the Board, and the president of the University.)

The alumni regents and student regents would also be confirmed by the Assembly.

Campus Councils, one on each of UC's 9 campuses, will be composed of:

* 5 members elected by the campus faculty employees, one vote per voter;

* 5 members elected by the campus non-faculty employees, one vote per voter;

* 5 members elected by the campus students, one vote per voter;

In each, the 5 highest vote getters are elected; 2 year terms, 12 year limit.

* 5 members selected by the local city and county;

* 1 ex-officio member: the chancellor of the campus.

In addition to selecting the appointed regents, each Council is empowered to hold public hearings and issue advisory reports on any matters of general concern to the campus, to make

appropriate rules for the conduct of their business, and to exercise other powers that the regents may delegate to them.

The political independence of academic functions within the University will be protected: "For the protection of academic freedom, the authority and functions presently delegated by the Regents to the Academic Senate of the University shall not be modified or withdrawn without the express consent of the Academic Senate."

Other provisions. The total compensation paid to the UC president and chancellors, as well as any paid to the regents, shall be subject to legislated limits. The Legislature is directed to enact a campaign finance law covering the election of UC regents. If the number of UC campuses should change, the number of elected and appointed regents also changes. Filling of vacancies, transition and other details are covered.

Source: <http://socrates.berkeley.edu/~schwartz/democ.html>

7.2.2 De Facto Election of Regents

PROPOSAL TO DEMOCRATIZE SELECTION OF THE UC REGENTS:

HOLD UC REGENT ELECTIONS WITHOUT WAITING FOR LEGISLATIVE APPROVAL

By Matthew Taylor – <http://matthewtaylor.net>
revised 12/5/09

Summary: UC Students, Faculty, and Staff/Workers agree on an election structure, and then *go forward and hold elections for new UC Regents without waiting for approval from the legislature.* When the UC campus community has elected a new Board of Regents, it will be possible to pressure and persuade the state legislature to amend the State Constitution to disband the old Board of Regents and transfer power to the new, democratically-elected Board of Regents.

By electing Regents, we are taking power and creating the kind of crisis that will likely be necessary to influence the legislature to win our goal. Throughout the course of the campaign, we should of course lobby the legislature to amend the constitution, but we cannot expect them to pass our amendment without significant pressure. If the legislature knows that the students, faculty, and staff are speaking in one voice on this matter, that we no longer recognize the legitimacy of the current Board of Regents, and that we have chosen a replacement government for our University, at some point they will feel that they have no choice but to work with us.

Below is an outline, at the bottom some rationale/discussion.

BASIC OUTLINE/TIMELINE

1. Students, faculty, and staff form a Committee for Democratization of the UC Regents (CDUCR) to draft a specific proposal for democratic elections of the Regents and to develop further strategy and tactics to win this struggle.

Example of one possible election model: Students at every UC Campus elect one Regent per campus (total of 10 Regents). The campus ASUCs can consolidate the election with the normal spring elections, thus costing nothing. Academic Senate elects one Regent per campus, thus 10 more Regents. Workers at each campus elect one Regent per campus, 10 more Regents. Thirty elected Regents total (larger than the current 26-member board). Regental terms are now 4 years, reduced from the current 12.

Another option is for Regental elections to be conducted systemwide instead of per campus. Three Regents could be elected yearly (or six Regents bi-yearly) for 4-year terms, staggering the starting years of the terms of office. That way, each class votes for Regents every year (or every other year) – rather than only once during their college careers. Students would therefore elect twelve Regents total; the Academic Senate would elect or appoint 10 Regents, and worker would elect or appoint eight Regents.

Or the structure could resemble Charlie Schwartz's proposal of Campus Councils and devolved governance:

<http://socrates.berkeley.edu/~schwartz/democ.html>

2. CDUCR brings proposal to the UCSA and ASUC at every campus, the Systemwide Academic Senate, the Academic Senate at every campus, the Coalition of University Employees (CUE) and other worker/staff organizations. The above bodies give input for changes and revisions.

3. Bearing in mind all feedback, a final version of the election structure is approved by all of the above bodies.

4. Simultaneously, the following two things happen:

a) The CDUCR, working with organizations such as the Greenlining Institute, organizes lobbying efforts in Sacramento to persuade the legislature to pass the new elections structure as a Constitutional Amendment. Senator Leland Yee, who sponsored the Reform the UC bill (reformtheuc.com), is a potential sponsor for our new bill;

b) Students, Faculty, and Staff/Workers publicize the coming elections for Regent and recruit candidates to run in the elections.

5. Within 3-6 months of the announcement of the elections – ideally by the end of the current academic year -- we hold highly organized and widely publicized elections for UC Regents throughout the UC system. After the Regents are elected, they all take an oath of office, something like, "I do solemnly swear to protect, defend, and advance the cause of public education at the University of California, to ensure that this University system works and educates for the common good, to never abuse or misuse my position of power for personal gain, and to be accessible, available, and accountable to my constituents."

6. Once all the Regents are elected, CDUCR goes back to the legislature, informs all Senators/Assemblypeople that the entire UC system has elected a new Board of Regents, and **demands**

that the legislature amend the constitution, disband the current, ineffective board, and recognize and seat the new democratically-elected board. We make it clear that the old Board of Regents is now an illegitimate governing body in the eyes of the University of California students, faculty, and staff.

7. If the legislature refuses: we shut down the entire UC system, go on strike, everyone gets on buses (we raise money to pay for buses), travel to Sacramento, and set up a nonviolent Tent City in front of the Capitol building. The message: “We will not leave and we are shutting down the UC system until you seat our Board of Regents. We mean it. We will stay for days, weeks, as long as necessary. UC is on the verge of destruction, and this is a moment of choice for the Legislature: hand over control of the University to the new Board of Regents, or there will be no UC.” We can also use the time to advance the cause of education by holding classes at the Tent City, which will help us with image/messaging/media (UC in exile is still functioning in the grassy lawn in front of the capitol building, but students, faculty, and workers won’t return to the buildings until they have a say in University governance). Ideally, Tent City happens in Spring 2010 before the end of the academic year.

Another possible approach: Tent State Sacramento would also be an excellent strategy for Summer 2010, and possibly preferable to Spring. Elections will not be certified until 7th week, which gives one month of pressure and organizing for the tent state. We finish up finals and move to the Capitol Lawn. Summer sessions – the most PROFITABLE university term – can be shut down without greatly inconveniencing most students and leaving us free to organize at will. We begin Tent City + Shut Down in May or early June at Berkeley as a test campus, threatening to shut down all the UCs mid-June. Seniors massively disrupt / re-create their own graduation ceremonies in protest. We have a statewide convergence to organize and pressure the legislature. We keep the movement fired up over the summer and if we do not win, the struggle continues, strong, into the fall, where it can effect the Nov. elections.

RATIONALE/STRATEGY (IN FAQ FORMAT)

1. Why hold elections for Regents before the legislature approves the constitutional amendment?

Many reasons:

- a) Most students have no idea who the Regents are, much less what they do, what their power is, and the history of the Board of Regents that brought us to the current crisis. An elections campaign would be a vast “public education” opportunity, where students throughout the UC system would suddenly be forced to research the views of different Regential candidates in order to cast a vote. In so doing they would become engaged with the high-level governance of their University, which has historically rarely if ever been the case.
- b) Once everyone votes for a Regent, they will be “invested” in their vote, and they will fight to ensure the winners of the elections are seated. Our movement will be 10x bigger and more powerful after the elections.
- c) It’s easy for the Legislature to dismiss us if only a small minority of the UC system is getting in their face about amending the constitution. Far more of us will be in their face once we elect Regents.
- d) A newly elected Board of Regents is a great news story and photo opportunity that will help us shape

and frame the public narrative, and generate pressure on the legislature.

e) If we can convince the public that our new Board of Regents is better than the old one, they will be on our side – remember, the public is **furios** about corruption and pay scandals.

f) We can organize massive internet-based campaigns – blogs, youtube videos, the works – around both the Regental election campaign and its outcome. People will pay attention to this stuff if on the front page of all the campus newspapers, it says “Vote for Your Regent Today!” and the opinion pages are running op-eds with endorsements/dissections of the various Regental platforms. It will start trickling out into the mainstream media too.

g) “Yes We Can Democratize our University” is a rallying cry that will, with a little stoking by the right people (faculty esp.), spread like wildfire among the student population in this post-Obama world. Can you imagine rallies, speeches, assemblies where this is the theme? Students just helped to elect an African-American President, utterly unthinkable just a few decades ago.

h) The mainstream media has stubbornly covered the 9/24 protest as being about the “state budget crisis” and given little airtime to the concerns about governance and corruption. Holding elections will refocus and reframe the narrative. At some point, we need all the media coverage to say two things: this is a crisis of public funding of public education AND this is a crisis of competent governance, and BOTH need to be solved. Organizing the elections for Regents -- at the same time we’re working on overturning the 2/3 majority rule, see Lakoff -- will help us drive the messaging. Furthermore, this message could influence the Gubernatorial election (November 2010). We will seek to make sure that the people of CA elect a governor who is going to sign this constitutional amendment.

2. Won’t we seem pushy/presumptuous if we hold elections without approval from the legislature?

No. We will make it clear in all of our lobbying efforts that we want to work in partnership with the legislature, and we are asking for them to join with us as we seek to eliminate a systematically, irretrievably deficient form of governance, the partisan, pay-for-play current system of Regental appointment, and replace it with a form of governance that is truly a public benefit.

We will get a bill introduced, and make it clear that we hope that it will be passed (with whatever amendments the legislature wishes to propose, that we are collectively willing to accept) *before* we hold elections. However, we will also make it clear that we are holding elections in anticipation that our bill, or something similar to it, will be passed.

Thus, by the time we hold elections, we will have effectively and clearly communicated with every member of the legislature. The election of our Regents will then advance the cause of us ratcheting up the pressure on the members of the legislature who gave us a flat out No during the first round of lobbying. And the Tent City in Sacramento will only be necessary if we get a No during the second round of post-election lobbying.

3. What’s this about direct action and a Tent City in Sacramento? Will that help us or hurt us? Isn’t that too radical?

Historically, nonviolent social movements have involved occupations of public space on the path to success. For instance, in Ukraine’s 2004 Orange Revolution, Viktor Yanukovich and pro-government

forces committed widespread, well-documented election fraud. Protestors organized a mass occupation and Tent City in Kiev's Independence Square, which along with strikes, helped bring the country to a halt in the wake of the stolen election. The nonviolent mass mobilization eventually led to a free and fair revote, bringing opposition leader Viktor Yushchenko to power.

If necessary, the conservatives in the legislature must understand unequivocally that we will not submit to the Board of Regents. They must understand that the problem is not any one personality on the Board of Regents, but the system by which the Regents are appointed. This is a conversation we will be having with the legislature over the course of the campaign. Shutdown of the UC and the Tent City in Sacramento is the final step of the conversation, only if necessary, but a step we must be prepared to execute. History shows that it can win, and it will win if we have built up enough collaborative momentum and engagement through the process of holding elections ourselves.

Additionally: nonviolent social movements have historically set up "parallel/alternative governments" while an illegitimate government is in power, and then found ways to disempower the old regime and install their new government. So history is on our side if we choose to hold elections ourselves. During the Orange Revolution, following the fraudulent election, opposition leader Yushchenko took the Presidential oath of office even though the official, bogus results showed him to be the loser. By asking him to take the oath of office before the re-vote, Yushchenko's supporters showed their commitment to seeing their movement through to its conclusion, and demonstrated that they would not submit to the rule of an illegitimate government. Similarly, by electing (and possibly swearing in!) Regents on our own terms, we will be sending an unmistakable and loud message to the legislature and the people of California.

4. Is it fair to describe the UC Board of Regents as an illegitimate government?

Yes. Constitutionally, the UC is a sovereign entity, and the legislature has virtually no power to control the Regents' behavior, short of amending the Constitution. The UC is such an enormous enterprise, it could be considered "a state within a state," a fiefdom. Those who rule the UC do so almost entirely without the consent, input, or collaboration of those they rule – the students, faculty, and staff of the University, not to mention the taxpayers of California who fund part of the UC's budget, and the citizens who live in the highly-impacted cities that host UCs. This is the very definition of "undemocratic" and, as such, arguably illegitimate within a Republic whose founding principle is claimed to be democracy.

In some ways, the UC Board of Regents is not just illegitimate, but despotic. The Board manages the omnicidal U.S. nuclear weapons enterprise, which threatens life on Earth. Several key Regents have amassed great personal fortunes through UC's management of nuclear weapons. Others have personally profited from more benign yet still conflict-of-interest arrangements, such as construction contracts awarded to their private corporations.

We are launching a nonviolent, democratic revolution to overthrow a government that is in many ways incompetent and self-serving, and at worst, a direct enabler of the most violent and destructive technology ever invented.

5. What about "compromises"?

Yes, the legislature is likely at some point to offer us a compromise to get the heat off of them. We must engage with these offers from a position of strength, assurance that our cause is just, and never sell out

our basic principles. For example: while the current student Regent position is better than nothing, it's not much more than that. It is a token that has no true power to alter the UC's current course of privatization. If the legislature offers a compromise, we must ask: does this fulfill our basic demand for democratization, or is this a token that will not help us save the University?

6. What about Prof. Charlie Schwartz's proposal from 1993 to create campus councils and a more decentralized form of governance than the current Board of Regents model?

We must not let the perfect be the enemy of the good. While I personally believe Schwartz's plan is in many ways superior to the example elections format outlined in this proposal, I also think the legislature is more likely to endorse a plan whose change is not too complicated for them to grasp. Changing the method by which Regents are selected, while radical, is also very understandable and fits within the flawed yet popularly understood model of U.S. representative democracy. Devolved governance would be an arguably more democratic and effective model that would produce better results, but I am afraid it would be harder to organize around and win as a constitutional amendment.

Holding elections at every campus for UC Regent, I think, would be more politically helpful in advancing the cause. And once our new Board of Regents are in place, we can lobby them for devolved governance, which they would have the power to grant. It could even be part of the platform that some of them run on.

Schwartz's 1993 proposal:

<http://socrates.berkeley.edu/~schwartz/democ.html>

However, perhaps I am underestimating our chance of winning Schwartz's model. Again, the exact format of democratization must be determined by the CDUCR, what's outlined in this proposal is just an example.

7. Why not include a provision for public election of UC Regents?

It's certainly possible. Here's why I'm cautious about it...

When I spoke to Lt. Gov John Garamendi about this idea (and he's a true ally to public education), he raised several objections to public elections:

a) Money – a corrupting influence on politics; the current wealthy elite Regents could just “buy” a seat on the Board, and then what would we have accomplished? Similarly, entrenched politicians could buy their way into the club. And the U.S. Supreme Court has ruled “money is free speech,” meaning it would be either difficult or impossible to keep public elections clean.

b) Ideology – we don't want to expose ourselves to right-wing fundamentalists running on an anti-evolution platform.

Now there may be counters to these problems. Obama's election and the dawn of internet-organized campaigns shows that large pools of small, people-powered donations can at times overcome corporate financing. And there may be ways to overcome the ideology issue.

But on top of this, I wonder: does the average California citizen truly understand or even think about what is best for the UC? A majority of them picked a Hollywood bodybuilder to be governor. Do we want to invite them to insert their whims and fancies into our University?

And by far, my biggest problem with making public election of the Regents part of our plan is it strips us of our power. The key to this proposal is that we are taking charge of our own destiny. We are organizing our own elections. We are becoming a self-governing institution, and we are not waiting for anyone's permission to do it. And in doing so -- by holding elections on each campus -- we will build a mass movement and create a more engaged community of campus citizens.

This movement never stops – its whole point is to become institutionalized and change campus cultures to be directly involved with their politics and administration.

As soon as we create an electoral process that's outside of our control, we become children asking for Mommy and Daddy at the legislature to help us. Keep in mind the definition of the word Regent: "One who rules during the minority, absence, or disability of a monarch." *Regents*, historically, have ruled while children of the royal family have been too young to govern. That is what we are in the words of Schwarzenegger, "just another screaming special interest group," a bunch of children too immature to look after ourselves. After 140 years, it is time for us to finally grow up and take care of ourselves. By democratizing the Regents, we are *de facto* abolishing the Regental system. We are the Regents; we are the rulers and governors of our own University.

The legislature is a bunch of absentee landlords with respect to the Public Trust that is California's public education system. The legislature is so dysfunctional, they can't be trusted to do much of anything. The most we want to ask them to do is just attach their signature to a plan that, by the time they get around to signing it, will likely be a *fait accompli* – it's like signing a receipt for an unrequested package that FedEx has delivered on your doorstep. You didn't ask for it, but it's there, and you're not going to return it to sender – not when thousands of the senders are camped out on your front lawn, demanding that you sign for the package. Not when they refuse to leave until you sign for the package.

If the CDUCR – in consultation with UCSA, Ac Senate, etc. wants to build public elections for Regents into the proposal despite all of the above potential problems, then so be it. Perhaps one way to do it that would satisfy everyone is to have some of the Regents elected by students/faculty/staff and some by the public; that way, when we hold our elections, it will only be for a portion of the board, not all. Hopefully this portion becomes a collaborative minority, or at worst, a minority of thorns in our sides. We can elect our Regents, go to the Legislature, and demand that they both ratify the Constitutional amendment and hold elections for the remaining seats.

Another possibility is for a Coalition of the Mayors of the cities that host UCs (Berkeley, LA, Santa Cruz, Davis, etc.) to appoint some of the Regents. There is a significant rationale to do this because of the UC's dramatic impact on resources, finances, and land use issues of the host cities, who have far more at stake in the UC's governance than do people who live in the rest of the state.

Another possibility is for the Legislature's Education committee(s) to appoint some of the Regents.

If the collective desire is to have some Regents that are elected or appointed by the public or state government, fine, so long as the selection process is not appointment by the Governor – a process that has proven itself to be totally corrupt and must be forever abolished and have no further place in the

running of our University. But I would not recommend we build public election/appointment into our initial proposal – we can always add later based on negotiations with the Legislature.

8. How could this campaign be integrated into a broader movement for public education reform across Calif.?

The CSUs have a virtually identical problem – their Board of Trustees is appointed by the Governor, with similar consequences. Potentially, the Democratize Selection of the Regents campaign could be combined and merged with a Democratize Selection of the Trustees campaign. It could end up being a Democratize California's Universities campaign. To my understanding, the Community College system is more responsibly and more democratically governed than the CSUs and UCs, but I am less familiar with it.

9. What about UC's PR machine? Won't they crush us?

No, the public is furious about UC pay scandals. See:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/26/MNBB14D1B4.DTL>

and read the comments:

<http://www.sfgate.com/cgi-bin/article/comments/view?f=/c/a/2008/11/26/MNBB14D1B4.DTL>

If our messaging is, "We are becoming a self-governing institution, cleaning house, capping administrator salaries, firing the corrupt and incompetent, and running a tight financial ship," we will win the majority of the public to our side.

We will need to get organized, reach consensus on a media/messaging strategy, and utilize PR/spokespeople who are as good or better than Dan Mogulof. The truth is on our side, and the people will know it. And it's crucial that we build an awesome web presence to buttress our campaign. We'll need five-minute or less YouTube videos, interactive web powerpoints, we'll need it all.

We'll need to be clear, concise, and on message in how we communicate to the public.

10. Don't we need to get on the same page as the Regents and the President, mend fences, and work together to convince the public to re-invest in public education?

No way. See the above *SF Chronicle* story. The public knows the Regents and Yudof are corrupt. As do we. Yes, it would be easier to tell the narrative that "UC deserves public funds" if we had a clean, coherent house. But the reality is we don't. We have a messy house with a lot of garbage in the basement, and the public knows it. Once we clean house and have a new Board of Regents, then we – administration, faculty, and students alike – will speak in one voice about public funding.

11. What about alternative ways to amend the Constitution – like a ballot measure or the constitutional convention?

Going through the legislature is the way I recommend because I see it as the most doable and accessible right now, but we certainly should consider the other options.

Getting a ballot measure in front of voters requires gathering approx. 600,000 valid signatures, an enormous task that requires loads of money to hire paid signature gatherers. It might be possible, but would probably require us finding wealthy donors.

A state Constitutional Convention is a possibility – see repaircalifornia.org. We should make allies with this organization, and also make sure we fit into the scope of the limited constitutional convention they propose. I presume that we would fit into the state agencies and commissions section. However, Repair CA says it wouldn't happen until 2011. We should certainly track their progress and if a convention seems imminent, we should try to get this onto the agenda. But let's not wait. Let's act now while the iron is hot and the momentum is strong for real change.

12. But won't winning Democratization of the Regents take years to accomplish? Isn't that a long-term goal, not something we can do right now?

This is a short-term goal if we prioritize it, winnable within the next 1-2 years, within the timeframe of the movement that started on 9/24/09. Democratizing the Regents can be and if we choose to, it will be climax of the 9/24 movement.

The time is now. Our moment has arrived. What happened on 9/24 was the biggest UC uprising in a generation.

In a twisted sense, we should be grateful for a 32% fee hike, furloughs, and layoffs – they made clear to the masses what a small minority of us have been saying for years, that the UC is on a life-support machine and that the UC Regents in combination with a right-wing anti-tax agenda have their hands on the plug, ready to pull it from the wall. The University is not dying, it is being killed, and it is up to us to stop the murder.

Five thousand of us are fired up and ready to go. We must both expand that number, and focus its energy. This movement is in desperate search of a coherent, clear, understandable, winnable project.

We cannot predict when, if ever, we will again have an opportunity to coordinate, organize, and mobilize a united body of students, workers, and faculty.

Will the 9/24 Movement change the system, or win a minor victory that will be just a blip on the road to the public university's place in the Graveyard? Mortician Mark Yudof thinks he knows the outcome:

<http://www.nytimes.com/2009/09/27/magazine/27fob-q4-t.html>

"Being president of the University of California is like being manager of a cemetery"

13. What about the tuition hikes, furloughs, layoffs, and budget cuts? Isn't that what we should be struggling to change? Why waste time on such a big, unwinnable project like democratizing the regents?

Democratizing the Regents is precisely as winnable as electing an African-American president, desegregating lunch counters and buses, and winning free speech on campus. It is winnable if we believe it is winnable, and if we organize.

Focusing our energy on the problems of this system – without changing the system that creates the problems – ensures that we will only momentarily delay, not prevent, the system from privatizing the UC.

Gov. Pat Brown’s Master Plan for Public Education in the State of California calls for tuition free education, and this was a reality a scant 40 years ago. At one time, Californians viewed free University education as a right comparable to free K-12 public education. Paying for public University education is not part of the “natural order,” but is a result of the conservative/right-wing plan to drown the government in a bath tub, starve it of revenue, and privatize everything. There is nothing new or unique about this year’s budget crisis and tuition hikes, only the scale is slightly larger than usual. They are not a special problem, just another step in a long, deliberative, slowly-implemented plan that is nearly complete and has been masterfully executed.

Stopping the current tuition hike and budget cuts would be no more than a band-aid on a broken leg, a mildly comforting salve with no curative powers on a body afflicted with cancer. We must break out of this context-free, crisis-oriented thinking and like a medical professional, diagnose the source of the disease and develop a therapy that will actually heal it.

We must not comfort the patient. We must heal her.

There are two sources of this disease:

- 1) De-funding of public education by the public;
- 2) A structure that necessarily and creates corrupt, incompetent, harmful governance.

This proposal is a method to cure number two – or at least, shape it into something both less harmful and more beneficial. Others, like George Lakoff, have more to say about #1. But certainly, if we get #2 in order, we will be more successful with #1, as the public will have more confidence if UC’s government is responsible, accountable, and financially prudent.

So yes, we should stop the furloughs, tuition hikes, etc. But only as part of a campaign that changes the system. If all the 9/24 movement accomplishes is a momentary reprieve from financial hardship – and that is all we choose to focus our energies on -- we won’t save the University, only delay its demise.

14. What if the specific proposal for democratization of the Regents is not perfect? What if it could have been better, and because we are moving quickly, we end up with a flawed outcome?

If we actually want to win, that is guaranteed to happen.

Representative democracy is a fatally flawed system. It won’t be perfect, it won’t be ideal, but it will be an enormous improvement; a change closer to revolution than reform.

What we are going to do is vastly and forever and undeniably improve the way the UC is governed. Whatever we come up with and win, surely we will later recognize the problems and flaws in the new structure as it unfolds. We can always go back to the Legislature, and revise it in the future. We can lobby our new, elected Board of Regents, who will surely be more responsive than the old one, especially because they will have to answer to the voters every four years.

We could spend forever debating what is the best way to organize and run a Democratize Selection of the Regents campaign, and what is the best format of democratization. There are as many ways to do this as there are stars in the sky.

Yes, let's be deliberative and careful about our strategy and tactics and the format for democratization we choose. But let us also be expeditious. Whatever format for democratization we choose, we can always revise and adjust as we go forward if we decide it serves us to do so.

The worst thing we can do is be paralyzed by indecision – or our moment will be gone, like sand washed away by the tides of time.

The time is now. Let's do it.

7.3 Section 9 of the California Constitution: University of California

Current

CALIFORNIA CONSTITUTION

ARTICLE 9 EDUCATION

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceeding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

1868

Organic Act

Sec. 11. Board of Regents

The general government and superintendence of the University shall vest in a Board of Regents, to be denominated the "Regents of the University of California," who shall become incorporated under the general laws of the State of California by that corporate name and style. The said Board shall consist of twenty-two members, all of whom shall be citizens and permanent residents of the State of California, as follows:

1. *First--Members ex officio.* Of the following ex officio members, namely: His Excellency the Governor; the Lieutenant-Governor, or the person acting as such; the Speaker, for the time being, of the Assembly; the State Superintendent of Public Instruction; the President, for the time being, of the State Agricultural Society; and the President, for the time being, of the Mechanics' Institute of the City and County of San Francisco;
2. *Secondly--Appointed.* Of eight other appointed members, to be nominated by the Governor, by and with the advice and consent of the Senate, who shall hold their office for the term of sixteen years; *provided*, that such members first so appointed shall be classified by lot at the first meeting of the Board of Regents, so that one of the numbers so appointed shall go out of office at the end of every successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office;
3. *Thirdly--Honorary.* Of eight additional honorary members, to be chosen from the body of the State by the official and appointed members, who shall hold their office for the term of sixteen years; *provided*, that such honorary members first so chosen shall be classified by lot, when so appointed, by the Board of Regents so appointing them, so that one of the members so chosen shall go out of office at the end of each successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office. Each member of the said Board, whether official, appointed or honorary, shall, if present, be entitled to one vote at all the meetings of said Board. The first official year, from which the terms of office shall be computed to run, shall be the first day of March, in the year eighteen hundred and sixty-eight. **Vacancies.** Vacancies in the office of appointed members of the Board, occurring in the recess of the Legislature, shall be filled for the rest of the term by appointment of the Governor. Vacancies in the office of honorary members occurring from any cause other than expiration of the term by limitation shall be filled for the rest of the term by appointment of the Board of Regents. In case the Senate shall adjourn before the Governor shall have nominated the first appointed members of the Board of Regents under this Act, or before it shall have confirmed his nominations in their behalf, the Governor shall appoint the same by his sole act. No member of the Board of Regents, or of the University, shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively a private trust; and no person who at the time holds any executive office or appointment under the State shall be a member of said Board, except the Executive officers above mentioned. The Governor shall be President of the Board of Regents, and in his absence the Board shall appoint a President pro tempore.

The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents and in the administration of its affairs; provided, that all the moneys derived from the sale of the public lands donated to this state by act of congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said acts of congress; and the legislature shall provide that if, through neglect, misappropriation, or any other contingency any portion of the funds so set apart shall be diminished or lost the state shall replace such portion so lost or misappropriated so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the university on account of sex.

1918

November 5,
Section 9 amended

The University of California shall constitute a public trust, to be administered by the existing corporation known as The Regents of the University of California, with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the State Board of Agriculture, the President of the Mechanics Institute of San Francisco, the President of the Alumni Association of the University and the Acting President of the University, and 16 appointive members appointed by the Governor; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The term of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary

or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this State by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

1972

June 6

Section 9 amended

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as The Regents of the University of California, with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the State Board of Agriculture, the President of the Mechanics Institute of San Francisco, the President of the Alumni Association of the University and the Acting President of the University, and 16 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The terms of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands

donated to this State by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

1974

Nov 5

Section 9 amended

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of seven ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

1976

Nov 2

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

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(f) The regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

7.4 Recent Bills and Legislation

7.4.1 2008 – AB 2372 – College Affordability

BILL NUMBER: AB 2372 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 14, 2008

INTRODUCED BY Assembly Member Coto

(Coauthors: Assembly Members Davis and Portantino)
 (Coauthor: Senator Cedillo)

FEBRUARY 21, 2008

An act to add Article 3.5 (commencing with Section 66026) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, and to add Section 17044 to the Revenue and Taxation Code, relating to public postsecondary education, and making an appropriation therefor, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2372, as amended, Coto. Public postsecondary education: systemwide fees: limitations: tax levy.

(1) The existing Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. The act establishes the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as 2 of the segments of public postsecondary education in this state. The act provides that it applies to the University of California only to the extent that the regents act, by resolution, to make it applicable.

This bill would establish the College Affordability Act of 2008. The bill would limit, notwithstanding any law and commencing with the 2009-10 fiscal year, the systemwide tuition and fees charged to resident undergraduate students at the California State University and the University of California to those in effect during the 2008-09 academic year. Commencing with the 2014-15 fiscal year, the bill would limit any increase in statewide tuition and fees to the annual percentage change in the California Consumer Price Index. The bill would apply to the University of California only if the regents, by resolution, make it applicable.

The bill would create the College Affordability Funding Accountability Panel. The panel would be required to annually review the expenditure of funds received pursuant to the tax created in (2) and provide an accountability update to the public that would be posted on the California State University and University of California Internet Web sites.

(2) The Personal Income Tax Law provides for specified treatment and calculations with respect to the taxation of the income of residents, nonresidents, and part-year residents.

This bill would, in addition, for each taxable year beginning on or after January 1, 2009, impose an additional tax at the rate of 1% on that portion of a taxpayer's taxable income in excess of \$1,000,000. Revenue from the additional tax would be deposited in the General Fund. Sixty percent of these revenues would be credited to the College Affordability Fund, which the bill would create. The bill would continuously appropriate this revenue to be disbursed on an annual basis by the Legislature to the California State University and the University of California. The bill would require that the

funds be used to offset increased costs of educating resident undergraduate students attending the California State University and the University of California thereby mitigating the need for increases in student tuition and fees. In the event that the provisions of the bill would not apply to the University of California, the bill would require the California State University to receive all of the revenues that would have been allocated to the University of California. This bill would provide that its provisions are severable.

(3) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 3.5 (commencing with Section 66026) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 3.5. College Affordability Act of 2008

66026. This act shall be known, and may be cited as, the College Affordability Act of 2008.

66027. The Legislature finds and declares as follows:

(a) Education is the foundation of our society and maximum efforts should be made to help all students attend college.

(b) The State of California has a historical commitment to making higher education accessible and affordable for all eligible students.

(c) California's ~~21~~ 21st century economy needs a strong public university system that is accessible and ~~that~~ affordable to all Californians and can provide an educated workforce.

(d) Student tuition and fees, at the University of California and the California State University has almost doubled in the past six years, making it much more difficult for California families to send their children to college.

(e) According to a recent study released by the Public Policy Institute of California, nearly two-thirds of Californians believe that a person must have a college education to succeed in today's workplace and that the cost of college prevents qualified, motivated students from pursuing higher education. Eighty-four percent of residents, an overwhelming share, believe college affordability is a problem.

(f) This article will help give all of California's children the opportunity to attend college by freezing statewide mandatory tuition and fees paid by resident undergraduate students at the California State University and University of California and provide additional funding for these institutions.

66028. (a) For purposes of this article, "base year" means the

statewide mandatory tuition and fees paid by resident undergraduate students to attend the California State University or the University of California in the 2008-09 academic year.

(b) Notwithstanding any law, commencing with the 2009-10 fiscal year and continuing for a period of five years, there shall be no increase in systemwide tuition and fees charged to resident undergraduate students at the California State University and University of California. The systemwide tuition and fees charged to those students shall not exceed the tuition and fees in effect as of the base year. Commencing with the 2014-15 fiscal year, any increase in statewide tuition and fees charged to resident undergraduate students at the California State University and University of California shall not exceed the annual percentage change in the California Consumer Price Index.

(c) This article and Section 17044 of the Revenue and Taxation Code shall apply to the University of California only if the Regents of the University of California, by appropriate resolution, make them applicable.

66029. (a) There is hereby established the College Affordability Funding Accountability Panel. The panel shall be comprised of six members appointed by the Governor for a term of two years, including two members representing administrators, two members representing faculty, and two members representing resident undergraduate students from the California State University and University of California.

(b) The panel shall annually review the expenditure of funds that the California State University and the University of California receive pursuant to Section 17044 of the Revenue and Taxation Code. The panel shall annually provide an accountability update to the public that details the expenditure of these funds on a campus-by-campus basis for the preceding fiscal year. The accountability update shall be posted on the California State University and University of California Internet Web sites.

SEC. 2. Section 17044 is added to the Revenue and Taxation Code, to read:

17044. (a) For each taxable year beginning on or after January 1, 2009, in addition to any other taxes imposed by this part, an additional tax shall be imposed at the rate of 1 percent on that portion of a taxpayer's taxable income in excess of one million dollars (\$1,000,000).

(b) The revenue from the additional tax imposed under subdivision (a) shall be deposited in the General Fund of the State Treasury. Sixty percent of these revenues shall be credited to the College Affordability Fund, which is hereby created. These funds are hereby continuously appropriated to be disbursed on an annual basis by the Legislature to the California State University and University of California for the purposes of The College Affordability Act of 2008 (Article 3.5 (commencing with Section 66026) of Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code). The funds shall be used to offset increased costs of educating resident undergraduate students attending the California State University and University of California mitigating the need for other unnecessary increases in student tuition and fees. Costs eligible for funding shall include, but need not be limited to, the funding of student instructional materials, new technology, student scholarships and grants, libraries, campus safety improvements, and faculty salaries.

(c) The ratio of revenues allocated to the California State University and University of California pursuant to this section

shall be the same ratio of the resident undergraduate statewide mandatory fee revenue collected by the California State University to the University of California in the 2006-07 academic year.

(d) In the event that the Regents of the University of California do not pass a resolution pursuant to subdivision (c) of Section 66028 of the Education Code, the University of California shall receive no revenues provided pursuant to this section. In this event, the California State University shall receive all of the revenues that would have been allocated to the University of California.

(e) The funding established pursuant to the College Affordability Act of 2008 shall be used to supplement, and not supplant, existing levels of federal, state, and local funding for the California State University or the University of California.

(f) Moneys in the College Affordability Fund shall not be used for any purpose other than the purposes authorized pursuant to the College Affordability Act of 2008 and shall not be loaned to any other public entity or fund of that entity.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

7.4.2 2009 – SB 218 Public Records

BILL NUMBER: SB 218 ENROLLED
BILL TEXT

PASSED THE SENATE SEPTEMBER 8, 2009
PASSED THE ASSEMBLY SEPTEMBER 3, 2009
AMENDED IN ASSEMBLY SEPTEMBER 2, 2009
AMENDED IN ASSEMBLY AUGUST 26, 2009
AMENDED IN ASSEMBLY AUGUST 17, 2009
AMENDED IN ASSEMBLY JULY 14, 2009
AMENDED IN ASSEMBLY JUNE 30, 2009
AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE MAY 20, 2009
AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 27, 2009

INTRODUCED BY Senator Yee
(Coauthors: Senators Calderon, DeSaulnier, Dutton, and Runner)
(Coauthors: Assembly Members Beall, DeVore, Furutani, Nielsen, Portantino, Silva, Smyth, Torrico, and Tran)

FEBRUARY 23, 2009

An act to amend Sections 72670, 72670.5, and 89901 of, and to add Section 92034 to, the Education Code, and to amend Section 6252 of, and to add Section 6254.30 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, Yee. Public records: state agency: auxiliary organizations.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. The act defines the terms "local agency" and "state agency" for purposes of the act.

This bill would revise the definition of the term "local agency" to additionally include specified auxiliary organizations established for the purpose of providing support services and specialized programs for the general benefit of a community college.

This bill would revise the definition of the term "state agency" to additionally include specified auxiliary organizations and other specified entities.

The bill would exempt from disclosure under the California Public Records Act the names of individuals who donate to specified entities if those individuals request anonymity. However, the bill would provide that this exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

This bill would also provide that it is the intent of the Legislature to reject the court's interpretation of state law regarding the application of the act to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810. The bill would also provide that it is the intent of the Legislature that specified organizations be included in the definition of "state agency" solely for the purposes of the California Public Records Act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 72670 of the Education Code is amended to read:

72670. The governing board of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of its college or colleges. As used in this article, "auxiliary organization" may include, but is not limited to, the following entities:

(a) Any entity in which any official of a community college district participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 4 (commencing with Section 76060) of Chapter 1 of Part 47.

(c) Any entity that operates a commercial service for the benefit of a community college or district on a campus or other property of the district.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) Its purpose is to promote or assist a community college or district, or to receive gifts, property, and funds to be used for the benefit of the community college or district or any person or

organization having an official relationship therewith.

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the governing board of the district, an official of the district, or selected, ex officio, from the membership of the student body or the faculty or the governing board or the administrative staff of the district.

(e) Any entity that is designated as an auxiliary organization by the district governing board.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 2. Section 72670.5 of the Education Code is amended to read:

72670.5. (a) The Board of Governors of the California Community Colleges may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of the mission of the California Community Colleges.

(b) As used in this article:

(1) "Auxiliary organization" may include, but is not limited to, the following entities:

(A) Any entity whose governing instrument provides in substance both of the following:

(i) That its purpose is to promote or assist the Board of Governors of the California Community Colleges, or to receive gifts, property, and funds to be used for the benefit of the Board of Governors of the California Community Colleges or any person or organization having an official relationship therewith.

(ii) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the Board of Governors of the California Community Colleges or an official of the California Community Colleges, or selected, ex officio, from the membership of the Board of Governors or the administrative staff of the California Community Colleges.

(B) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the Board of Governors of the California Community Colleges.

(2) "District governing board" includes the Board of Governors of the California Community Colleges, unless the context requires otherwise.

(c) Any agreement between the Board of Governors of the California Community Colleges and an auxiliary organization established pursuant to this section shall provide for full reimbursement from the auxiliary organization to the Board of Governors of the California Community Colleges for any services performed by the employees of the board under the direction of, or on behalf of, the auxiliary organization.

(d) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 3. Section 89901 of the Education Code is amended to read:

89901. As used in this article, the term "auxiliary organization" includes the following entities:

(a) Any entity in which any official of the California State

University participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 1 (commencing with Section 89300) of Chapter 3.

(c) Any entity that operates a commercial service for the benefit of a campus of the California State University on a campus or other property of the California State University.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the California State University, or to receive gifts, property, and funds to be used for the benefit of such campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official of any campus of the California State University, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of campus.

(e) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist the trustees of the California State University, or to receive gifts, property, and funds to be used for the benefit of the trustees of the California State University or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State University, or selected, ex officio, from the membership of the trustees or the administrative staff of the California State University.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

(g) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 4. Section 92034 is added to the Education Code, to read:

92034. As used in this article, the term "auxiliary organization" includes the following entities:

(a) An entity in which an official of the University of California participates as a director as part of his or her official duties.

(b) An entity that operates a commercial service for the benefit of a campus of the University of California on a campus or other property of the University of California.

(c) An entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the University of California, or to receive gifts, property, and funds to be used for the benefit of that campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to the approval of, an official of any campus of the University of California, or serve, ex officio, from the membership of the student body or the faculty or the

administrative staff of a campus.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist the Regents of the University of California, or to receive gifts, property, and funds to be used for the benefit of the Regents of the University of California, or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the Regents or an official of the University of California, or serve, ex officio, from the membership of the regents or the administrative staff of the University of California.

(e) An entity that is designated by the regents as an auxiliary organization of the University of California.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 5. Section 6252 of the Government Code is amended to read:

6252. As used in this chapter:

(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; an entity described in subdivision (b), (d), or (e) of Section 72670 of the Education Code; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

(f) "State agency" means all of the following:

(1) (A) Every state office, officer, department, division, bureau, board, and commission or other state body or agency.

(B) An organization described in subdivision (b), (d), (e), or (f) of Section 89901 of the Education Code.

(C) An organization described in subdivision (c), (d), or (e) of Section 92034 of the Education Code.

(D) An organization described in paragraph (1) of subdivision (b) of Section 72670.5 of the Education Code.

(2) "State agency" does not include those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon

any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

SEC. 6. Section 6254.30 is added to the Government Code, to read:

6254.30. Nothing in this chapter shall be construed to require disclosure of the names of individuals who donate to an entity described in paragraph (1) of subdivision (b) of Section 72670.5, Section 72670, 89901, or 92034 of the Education Code, if those individuals request anonymity. This exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

SEC. 7. It is the intent of the Legislature in enacting this act to construe and clarify the meaning and effect of existing law and to reject the court's interpretation of state law regarding the application of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810.

SEC. 8. It is the intent of the Legislature in enacting this act to clarify that an organization described in paragraph (1) of subdivision (b) of Section 72670.5, Section 89901, or Section 92034 of the Education Code be included in the definition of "state agency" solely for the purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 9. The Legislature finds and declares that Section 6 of this act imposes a limitation on the public's right of access to writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following finding to demonstrate the interest protected by this limitation and the need for protecting that interest: The Legislature finds and declares that in order to protect the privacy of individuals who donate to specified entities and request anonymity, it is necessary to exempt those individuals' names from disclosure.

7.4.3 2009 – AB 690 – Regent Reps Attendance

BILL NUMBER: AB 690 ENROLLED
BILL TEXT

PASSED THE SENATE SEPTEMBER 2, 2009
PASSED THE ASSEMBLY SEPTEMBER 8, 2009
AMENDED IN SENATE AUGUST 17, 2009
AMENDED IN ASSEMBLY MAY 12, 2009

INTRODUCED BY Assembly Member Ammiano

FEBRUARY 26, 2009

An act to amend Section 66602 of, and to add Section 92022 to, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 690, Ammiano. Trustees of the California State University and Regents of the University of California: meetings.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members, which include 5 specified ex officio members, a representative of the alumni associations of the university, 16 members appointed by the Governor, subject to confirmation by 2/3 of the membership of the Senate, for 8-year terms, and 2 California State University students and one California State University faculty member appointed by the Governor for 2-year terms.

This bill would authorize each ex officio trustee, except the Chancellor of the California State University, to designate a person, as prescribed, to attend a meeting or meetings of the trustees in his or her absence. The bill would prohibit an ex officio trustee from designating more than one person to attend meetings of the trustees in any calendar year.

(2) Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require the membership of the board to be composed of 18 appointive members, appointed by the Governor and approved by the Senate, and the following 7 ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the president and vice president of the alumni association of the university and the acting president of the university. These provisions also require the corporation to have all powers necessary or convenient for the effective administration of its trust, including the power to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise.

This bill would express legislative intent that each ex officio member of the board, to the extent authorized pursuant to those provisions of the California Constitution, designate a person to attend a meeting or meetings of the board in the member's absence.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66602 of the Education Code is amended to read:

66602. (a) (1) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by

the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(2) (A) Each ex officio member, except the Chancellor of the California State University, may designate a person, who is an officer or member of the same office or elective body as the member, to attend a meeting or meetings of the trustees in the member's absence. A person designated pursuant to this paragraph shall not have the power to vote on behalf of the member and shall not be counted as a member of the board for purposes of establishing a quorum. An ex officio member may designate only one person in a calendar year to attend a meeting or meetings of the trustees in the member's absence.

(B) For purposes of this paragraph, "officer or member of the same office or elective body of the member" means the following with respect to each ex officio member:

(i) Governor: a secretary of an executive agency appointed by the Governor.

(ii) Lieutenant Governor: a member of the Senate.

(iii) Superintendent of Public Instruction: an elected county superintendent of schools.

(iv) Speaker of the Assembly: a member of the Assembly.

(b) (1) Two students from the California State University, who shall have at least a junior year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the person's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.

(4) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivision (a).

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and

all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the faculty member of the board shall commence on July 1, and shall expire on June 30 two years thereafter.

SEC. 2. Section 92022 is added to the Education Code, to read:

92022. It is the intent of the Legislature that each ex officio member of the Regents of the University of California, to the extent authorized pursuant to Section 9 of Article IX of the California Constitution, designate a person to attend a meeting or meetings of the regents in the member's absence.

7.4.4 2009 - AB 69 - fee setting

BILL NUMBER: AB 69 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 2, 2009

INTRODUCED BY Assembly Member Duvall

DECEMBER 12, 2008

An act to ~~repeal and add Section 66025 of the Education Code,~~ add Section 66208 to the Education Code, and to add Section 13337.1 to the Government Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 69, as amended, Duvall. ~~Statewide student fee policy.~~
Postsecondary education: enrollment growth.

~~Existing~~

(1) Existing law provides for a public postsecondary education system in this state. This system includes the University of California, which is administered by the Regents of the University of California, and the California State University, which is administered by the Trustees of the California State University. ~~Existing law authorizes the segments of~~

~~the public postsecondary education system to charge various fees to their students.~~

~~This bill would delete a provision that required the systemwide fees and tuition charged to resident undergraduate students at the University of California and the California State University to be reduced in the 1998-99 and 1999-2000 fiscal years.~~

~~The bill would require, notwithstanding any law, commencing with the 2010-11 fiscal year, the level of mandatory systemwide fees and tuition for undergraduate students at the University of California and the California State University to be set over a 4 year period in order to allow students at these institutions to budget accordingly for the entirety of their education. The bill would provide that the University of California and the California State University have the discretion to establish the set level of mandatory systemwide fees and tuition. The bill would express the intent of the Legislature that the level of student fees for undergraduate students at the University of California and the California State University also be set over a 4 year period. The bill would apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make its provisions applicable.~~

This bill would request the regents, and require the trustees to submit information regarding the number of students who graduated for the most recent academic year, and the number of students who left school without graduating, as part of the annual enrollment growth reports required by the annual Budget Act.

(2) Existing law requires the Governor's Budget to be submitted to the Legislature within the first 10 days of each regular session. Existing law requires the Governor's Budget to be prepared in compliance with guidelines and instructions adopted by the Department of Finance.

This bill would require the department, before the submission of the Governor's Budget, to develop projections for enrollment at the University of California and the California State University that are based on the number of students expected to graduate from high school in the ensuing fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66208 is added to the Education Code , to read:

66208. (a) The Regents of the University of California are requested to, and the Trustees of the California State University shall, include in their annual enrollment reports, as required by the annual Budget Act, the following information for the most recent academic year:

(1) The number of students who graduated with a degree.

(2) The number of students who did not continue their education from the prior academic year and did not obtain a degree.

(b) The information shall be calculated and presented separately for undergraduate students and graduate students.

SEC. 2. Section 13337.1 is added to the Government Code , to read:

13337.1. Prior to the submission of the Governor's Budget to the Legislature, the Department of Finance shall develop projections for enrollment growth at the University of California and the California State University. The projections shall be based on demographic data on the projected growth in the number of high school students in the state that are expected to graduate in the ensuing fiscal year.

~~SECTION 1. Section 66025 of the Education Code is repealed.~~

~~SEC. 2. Section 66025 is added to the Education Code, to read:~~

~~66025. (a) Notwithstanding any law, commencing with the 2010-11 fiscal year, the level of mandatory systemwide fees and tuition for undergraduate students at the University of California and the California State University shall be set over a four year period in order to allow students at these institutions to budget accordingly for the entirety of their education.~~

~~(b) The University of California and the California State University shall have the discretion to establish the set level of fees and tuition established in subdivision (a).~~

~~(c) It is the intent of the Legislature that the level of student fees for undergraduate students at the University of California and the California State University also be set over a four year period to allow students to budget accordingly.~~

~~(d) No provision of this section shall apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make that provision applicable.~~

7.4.5 2009 – AB 462

AKA AB 2372 of 2008 – College Affordability Act. See section 7.3.2 above.

7.4.6 2009 – AB 656

8. BILL NUMBER: AB 656 AMENDED

9. BILL TEXT

10.

11. AMENDED IN ASSEMBLY JULY 9, 2009

12.

13. INTRODUCED BY Assembly Member Torrico

14. (Coauthors: Assembly Members

15. Beall, Block, Bonnie Lowenthal,

16. Ma, and Price)

17. (Coauthor: Senator

18. DeSaulnier)

19.

20. FEBRUARY 25, 2009

21.

22. An act to add Chapter 8 (commencing with Section 99500) to Part 65
23. of Division 14 of Title 3 of the Education Code, and to add Part 21
24. (commencing with Section 42001) to Division 2 of the Revenue and
25. Taxation Code, relating to postsecondary education, and making an
26. appropriation therefor, ~~to take effect immediately, tax levy~~

27. *and declaring the urgency thereof, to take effect*
 28. *immediately* .

29.

30.

31. LEGISLATIVE COUNSEL'S DIGEST

32.

33.

34. AB 656, as amended, Torrico. California Higher Education Endowment
 35. Corporation: oil and gas severance tax.

36. (1) Existing law establishes the University of California, under
 37. the administration of the Regents of the University of California,
 38. the California State University, under the administration of the
 39. Trustees of the California State University, and the California
 40. Community Colleges, under the administration of the Board of
 41. Governors of the California Community Colleges, as the 3 segments of
 42. public postsecondary education in this state.

43. This bill would establish the California Higher Education
 44. Endowment Corporation (CHEEC). The bill would establish an oversight
 45. board to govern the CHEEC and would require that board to appoint the
 46. chief executive officer of the CHEEC. The bill would require the
 47. CHEEC to annually allocate ~~an unspecified percentage of~~
 48. the moneys in the continuously appropriated California
 49. Higher Education Fund, which would be created ~~in the General~~
 50. ~~Fund~~ ~~by the bill~~ , to the California Community
 51. Colleges ~~for curriculum and programs related to renewable~~
 52. ~~energy and to annually allocate remaining moneys in the fund to~~
 53. , the California State University ,
 54. and the University of California , *as specified* . The bill
 55. also would authorize the board to invest the moneys in the fund in
 56. accordance with prescribed procedures.

57.

58. (2) Existing law imposes various taxes, including taxes on the
 59. privilege of engaging in certain activities. The Fee Collection
 60. Procedures Law, the violation of which is a crime, provides
 61. procedures for the collection of certain fees and surcharges.

62. This bill would impose an oil and gas severance tax ,
 63. on and after January 1, 2010, upon any producer for the privilege of
 64. severing oil or gas from the earth or water in this state for sale,
 65. transport, consumption, storage, profit, or use, as provided, at a
 66. specified rate of 9.9% of the gross product . The tax
 67. would be administered by the State Board of Equalization, and would
 68. be collected pursuant to the procedures set forth in the Fee
 69. Collection Procedures Law. The bill would require the board to
 70. deposit all tax revenues, penalties, and interest collected pursuant
 71. to these provisions, except as specified, in the California Higher
 72. Education Fund.

73. Because this bill would expand application of the Fee Collection
 74. Procedures Law, the violation of which is a crime, it would impose a
 75. state-mandated local program.

76. (3) This bill would result in a change in state taxes for the
 77. purpose of increasing state revenues within the meaning of Section 3
 78. of Article XIII A of the California Constitution, and thus would
 79. require for passage the approval of 2/3 of the membership of each
 80. house of the Legislature.

81. (4) The California Constitution requires the state to reimburse
 82. local agencies and school districts for certain costs mandated by the
 83. state. Statutory provisions establish procedures for making that

84. reimbursement.

85. This bill would provide that no reimbursement is required by this
86. act for a specified reason.

87. ~~(5) This bill would take effect immediately as a tax~~
88. ~~levy.~~

89. (5) This bill would declare that it is to take effect immediately
90. as an urgency statute.

91. Vote: 2/3. Appropriation: yes. Fiscal committee: yes.

92. State-mandated local program: yes.

93.

94.

95. THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

96.

97. SECTION 1. The Legislature hereby finds and declares all of the
98. following:

99. (a) A recent study by the Public Policy Institute of California
100. stated that California's need for college-educated workers is
101. outpacing the state's ability to produce them, and that gap is
102. expected to widen in the future.

103. (b) Forty-one percent of California workers will need a bachelor's
104. degree to meet the state's projected economic demand in the year
105. 2025 if current trends continue, yet changes in the California
106. workforce make it unlikely that this demand will be met.

107. (c) The percentage of college-educated workers has increased
108. significantly in recent years, from 28 percent in 1990 to 34 percent
109. in 2006, but *the rate of increase* is expected to slow
110. because people between 50 years of age and 64 years of age currently
111. have the highest levels of education, and that group will reach
112. retirement age by 2025.

113. (d) Groups such as Latinos will make up 40 percent of the state's
114. labor force by 2020, but only 12 percent of Latinos are on pace to
115. hold a bachelor's degree by that date.

116. (e) As the growth *in the number* of college-educated
117. workers slows, the supply of workers with a high school diploma or
118. less education is projected to exceed economic demand, resulting in
119. lower wages and fewer job opportunities for those workers, and
120. resulting in higher wages for college-educated workers as demand for
121. their skills increases.

122. (f) The lack of an educated workforce will deny the state the
123. ability to draw upon the critical resources that are necessary to
124. assist with the state's current economic crisis and to support future
125. economic growth.

126. (g) The current budget proposals will jeopardize the enrollment of
127. 10,000 students into the California State University system.

128. SEC. 2. It is the intent of the Legislature that this act provide
129. additional sources of higher education funding in order to keep up
130. with the growing demand for a skilled labor force.

131. SEC. 3. Chapter 8 (commencing with Section 99500) is added to Part
132. 65 of Division 14 of Title 3 of the Education Code, to read:

133. CHAPTER 8. THE CALIFORNIA HIGHER EDUCATION ENDOWMENT
134. CORPORATION

135.

136.

137.

138. Article 1. General Provisions

139.

140.

141. 99500. As used in this chapter, the following terms have the
 142. following meanings:

143. (a) "Board" means the oversight board described in subdivision (a)
 144. of Section 99505.

145. (b) "Corporation" means the California Higher Education Endowment
 146. Corporation established pursuant to Section 99502.

147. (c) "Director" means the chief executive officer of the
 148. corporation appointed pursuant to Section 99506.

149. (d) "Fund" means the California Higher Education Fund established
 150. pursuant to Section 42147 of the Revenue and Taxation Code.

151. (e) "Green collar job" means a job in the renewable energy field,
 152. including a job in the renewable energy manufacturing, construction,
 153. installation, maintenance, or operation sectors.

154. (f) "Public postsecondary education institution" means the
 155. California Community Colleges, the California State University, and
 156. the University of California.

157. 99502. The California Higher Education Endowment Corporation is
 158. hereby established for purposes of implementing this chapter.

159.

160. Article 2. Oversight Board

161.

162.

163. 99505. (a) (1) The corporation shall be governed by an oversight
 164. board, which shall be composed of the following voting members:

165. (A) Two members appointed by the Board of Trustees of the
 166. California State University.

167. (B) Two members appointed by the Regents of the University of
 168. California.

169. (C) Two members appointed by the Senate Committee on Rules.

170. (D) Two members appointed by the Speaker of the Assembly.

171. (E) One member appointed by the Treasurer.

172. ~~(2) (A) At least one member appointed pursuant to paragraph (1)~~
 173. ~~shall be a student enrolled in a public postsecondary educational~~
 174.

175. (F) *One member appointed by the Chancellor of the California*
 176. *Community Colleges.*

177. (G) *One member who is a student*
 178. *enrolled in a public postsecondary educational institution at*
 179. *the time of the ~~appointment, and~~ appointment.*

180. *The member appointed pursuant to this subparagraph shall be*
 181. *enrolled in a public postsecondary educational institution for the*
 182. *duration of his or her term, which shall be two years.*

183. ~~—(B)~~

184. (2) (A) At least one member
 185. ~~appointed pursuant to paragraph (1) shall be a member of the~~
 186. ~~faculty employed by nonmanagement employee of~~
 187. ~~the California State University.~~

188. ~~—(C)~~

189. (B) At least one member appointed pursuant to paragraph
 190. (1) shall be a ~~member of the faculty employed by~~
 191. *nonmanagement employee of* the University of California.

192. (b) The oversight board shall also include the following ex
 193. officio, nonvoting members:

194. (1) The Chancellor of the California State University.

195. (2) The President of the University of California.

196. (3) The Chancellor of the California Community Colleges.

197. (c) The Legislature requests *that* the Regents of the

198. University of California and the President of the University of
 199. California ~~to~~ comply with the membership
 200. requirements in subparagraph (B) of paragraph (1) of subdivision (a)
 201. and paragraph (2) of subdivision (b).
 202. ~~(d) Except as specified in subparagraph (A) of paragraph~~
 203. ~~(2) (G) of paragraph (1) of subdivision (a),~~
 204. each of the members identified in subdivisions (a) and (b) shall be
 205. appointed to serve a term of four years.
 206. (e) The members of the board shall annually select a member to
 207. serve as the chairperson of the board.
 208. 99506. (a) The board shall appoint a director, who shall be the
 209. chief executive officer of the corporation. This position is
 210. designated as a confidential position and is exempt from civil
 211. service under subdivision (e) of Section 4 of Article VII of the
 212. California Constitution.
 213. (b) The director shall serve at the pleasure of the board.
 214. (c) The board may delegate to the director any power, duty,
 215. purpose, function, or jurisdiction that the board may lawfully
 216. delegate, including the authority to enter into and sign contracts on
 217. behalf of the corporation.
 218. (d) The director may delegate to his or her designee any power,
 219. duty, purpose, or jurisdiction that may be lawfully delegated.
 220. 99508. The board may adopt regulations necessary to implement its
 221. powers and duties under this chapter.
 222.
 223. Article 3. Powers and Duties of the California Higher
 224. Education Endowment Corporation
 225.
 226.
 227. 99510. The corporation may hire employees as it deems necessary
 228. to implement this chapter.
 229. 99512. (a) The corporation shall annually allocate the moneys in
 230. the California Higher Education Fund as follows:
 231. ~~(1) An amount not to exceed _____ percent of the moneys in the fund~~
 232. ~~to the California Community Colleges for all of the following~~
 233. ~~purposes:~~
 234. ~~(A) Curriculum supporting California's leadership in the~~
 235. ~~development of renewable energy technologies and the creation of~~
 236. ~~green collar jobs.~~
 237. ~~(B) Career technical education and advancement programs in~~
 238. ~~renewable energy manufacturing, construction, installation,~~
 239. ~~maintenance, and operation.~~
 240. ~~(2) Moneys remaining in the fund after the allocation pursuant to~~
 241. ~~paragraph (1) shall be annually allocated as follows:~~
 242. ~~(A) _____ percent to the California State University.~~
 243. ~~(B) _____ percent to the University of California.~~
 244. ~~(b) Nothing in this section shall cause state expenditures for~~
 245. ~~postsecondary education from all other sources to be reduced below~~
 246. ~~the expenditures provided from those sources prior to the~~
 247. ~~establishment of the fund.~~
 248. (1) Sixty percent to the California State University.
 249. (2) Thirty percent to the University of California.
 250. (3) Ten percent to the California Community Colleges.
 251. (b) Nothing in this section shall cause appropriations for

255. *postsecondary education to be reduced below the amount appropriated*
 256. *by the Legislature during the fiscal year immediately preceding the*
 257. *establishment of the fund.*

258. 99514. (a) The board has exclusive control of the investment of
 259. the fund. Except as otherwise restricted by the California
 260. Constitution and by law, the board may, in its discretion, invest the
 261. assets of the fund through the purchase, holding, or sale of any
 262. investment, financial instrument, or financial transaction, if the
 263. investment, financial instrument, or financial transaction is prudent
 264. in the informed opinion of the board.

265. (b) The board may itself make any investment authorized by law or
 266. sell any security, obligation, or real property in which moneys in
 267. the fund are invested, by affirmative vote of a majority of the
 268. board, or by the same affirmative vote, may from time to time adopt
 269. an investment resolution that shall contain detailed guidelines by
 270. which to designate the securities and real property that are
 271. acceptable for purchase or sale. While the resolution is in effect,
 272. securities and real property may be purchased for investment by an
 273. officer or employee of the board designated by it for that purpose,
 274. and sales of securities may be consummated by the officer or employee
 275. under the conditions prescribed. Purchases and sales of securities
 276. shall be reported to the board, on a monthly basis, at its next
 277. regular meeting.

278. (c) Any investment transaction decisions made during a closed
 279. session pursuant to paragraph (16) of subdivision (c) of Section
 280. 11126 of the Government Code shall be by rollcall vote entered into
 281. the minutes of that meeting. The board, within 12 months of the close
 282. of an investment transaction or the transfer of system assets for an
 283. investment transaction, whichever occurs first, shall disclose and
 284. report the investment transaction at a public meeting.

285. (d) In addition to the other investments authorized by this
 286. article, the board may invest in real estate, leases of real estate,
 287. and improvements on real estate for business or residential purposes
 288. as an investment for the production of income.

289. SEC. 4. Part 21 (commencing with Section 42001) is added to
 290. Division 2 of the Revenue and Taxation Code, to read:

291.

292. PART 21. Oil And Gas Severance Tax Law

293.

294.

295. 42001. This part shall be known, and may be cited, as the Oil and
 296. Gas Severance Tax Law.

297. 42002. For purposes of this part, the following definitions shall
 298. apply:

299. (a) "Board" means the State Board of Equalization.

300. (b) "California Higher Education Fund" or "CHEF" means the account
 301. that is created by Section 42147 for purposes of depositing proceeds
 302. generated from the taxes levied pursuant to this part to fund
 303. instruction for higher education.

304. (c) "Gas" means all natural gas, including casing head gas, and
 305. all other hydrocarbons not defined as oil in subdivision (g).

306. (d) "Green collar jobs" means jobs in the renewable energy field,
 307. including within California's renewable energy manufacturing,
 308. construction, installation, maintenance, and operation sectors.

309. (e) "Gross value" means the sale price at the mouth of the well,
 310. including any bonus, premium, or other thing of value, paid for the
 311. oil or gas, as determined by a rolling 30-day average daily value

312. , as established by the market price of the product. The
 313. board shall determine the base indexes from which the average shall
 314. be calculated. If the oil or gas is exchanged for something other
 315. than cash, if there is no sale at the time of severance, or if the
 316. relation between the buyer and the seller is such that the
 317. consideration paid, if any, is not indicative of the true value or
 318. market price, then the board shall determine the value of the oil or
 319. gas subject to the tax based on the cash price paid to the producer
 320. for like quality oil or gas in the vicinity of the well.

321. (f) "Higher education" means the California Community Colleges,
 322. the California State University, and the University of California.

323. (g) "Oil" means petroleum, or other crude oil, condensate, casing
 324. head gasoline, or other mineral oil that is mined, produced, or
 325. withdrawn from below the surface of the soil or water in this state.

326. (h) "Producer" means any person who takes oil or gas from the
 327. earth or water in this state in any manner; any person who owns,
 328. controls, manages, or leases any oil or gas well in the earth or
 329. water of this state; any person who produces or extracts in any
 330. manner any oil or gas by taking it from the earth or water in this
 331. state; any person who acquires the severed oil or gas from a person
 332. or agency exempt from property taxation under the United States
 333. Constitution or other laws of the United States or under the
 334. California Constitution or other laws of the State of California; and
 335. any person who owns an interest, including a royalty interest, in
 336. oil or gas or its value, whether the oil or gas is produced by the
 337. person owning the interest or by another on his, her, or its behalf
 338. by lease, contract, or other arrangement.

339. (i) "Product" means either a barrel of oil, which means 42 United
 340. States gallons of 231 cubic inches per gallon computed at a
 341. temperature of 60 degrees Fahrenheit or gas, as measured per thousand
 342. cubic feet (Mfc) at a base pressure of 15.025 pounds per square inch
 343. absolute and at a temperature base of 60 degrees Fahrenheit.

344. (j) "Production" means the total gross amount of oil or gas
 345. produced, including the gross amount thereof attributable to a
 346. royalty or other interest.

347. (k) "Severed" or "severing" means the extraction or withdrawing
 348. from below the surface of the earth or water of any oil or gas,
 349. regardless of whether the extraction or withdrawal shall be by
 350. natural flow, mechanical flow, forced flow, pumping, or any other
 351. means employed to get the oil or gas from below the surface of the
 352. earth or water, and shall include the extraction or withdrawal by any
 353. means whatsoever of oil or gas upon which the tax has not been paid,
 354. from any surface reservoir, natural or artificial, or from a water
 355. surface.

356. (l) "Stripper well" means a well that has been certified by the
 357. board as an oil well incapable of producing an average of more than
 358. 10 barrels of oil per day during the entire taxable month. Once a
 359. well has been certified as a stripper well, that stripper well shall
 360. remain certified as a stripper well until the well produces an
 361. average of more than 10 barrels of oil per day during an entire
 362. taxable month.

363. 42010. On and after January 1, 2010, there is hereby imposed an
 364. oil and gas severance tax upon any producer for the privilege of
 365. severing oil or gas from the earth or water in this state for sale,
 366. transport, consumption, storage, profit, or use. The tax shall be
 367. applied equally to all portions of the gross value of the product and
 368. shall be imposed at the rate of — 9.9

369. percent of the gross product.

370. 42011. Except as otherwise provided in this part, the tax shall
371. be upon the entire production in this state, regardless of the place
372. of sale or to whom sold or by whom used, or the fact that the
373. delivery may be made to points outside the state.

374. 42012. (a) The tax imposed by this part
375. shall be in addition to any other tax that may be imposed with
376. respect to the severing of oil or gas or transactions related
377. thereto, including, without limitation, any ad valorem taxes imposed
378. by the state, or any ~~of its political subdivisions~~
379. *political subdivision of the state*, or any local
380. business license taxes that may be incurred as a privilege of
381. severing oil or gas from the earth or water or doing business in that
382. locality. There shall be no exemption from payment of an ad valorem
383. tax related to equipment, material, or property by reason of the
384. payment of the gross severance tax pursuant to this part.

385. (b) *For purposes of this section, "political subdivision of the*
386. *state" includes any local public entity, as defined in Section 900.4*
387. *of the Government Code.*

388. 42013. The tax imposed by this part shall not be passed through
389. to consumers by way of higher prices for oil, natural gas, gasoline,
390. diesel, or other oil or gas consumable byproducts, such as propane
391. and heating oil. The board shall monitor and, if necessary,
392. investigate any instance where producers or purchasers of the oil or
393. gas have attempted to gouge consumers by using the tax as a pretext
394. to materially raise the price of oil, natural gas, gasoline, diesel,
395. or other oil or gas consumable byproducts, such as propane and
396. heating oil.

397. 42014. Two or more producers that are corporations and are owned
398. or controlled directly or indirectly, as defined in Section 25105, by
399. the same interests shall be considered as a single producer for
400. purposes of application of the tax prescribed in this part.

401. 42015. There shall be exempted from the imposition of the oil and
402. gas severance tax imposed pursuant to this part, oil or gas produced
403. by a stripper well in which the average value of oil or gas is less
404. than three-quarters of the average gross value of the product as of
405. January 1 of the prior year.

406. 42016. There shall be exempted from the imposition of the oil or
407. gas severance tax imposed pursuant to this part, all oil or gas owned
408. or produced by any political subdivision of this state, including
409. that political subdivision's proprietary share of oil or gas produced
410. under any unit, cooperative, or other pooling agreement. *For*
411. *purposes of this section, "political subdivision of the state"*
412. *includes any local public entity, as defined in Section 900.4 of*
413. *the Government Code.*

414. 42020. The tax imposed by this part is due and payable to the
415. board quarterly on or before the last day of the month next
416. succeeding each calendar quarter.

417. 42022. The board may prescribe those forms and reporting
418. requirements as are necessary to implement the tax, including, but
419. not limited to, information regarding the location of the well by
420. county, the gross amount of oil or gas produced, the price paid
421. therefor, the prevailing market price of oil or gas, and the amount
422. of tax due.

423. 42112. In all proceedings under this part, the board may act on
424. behalf of the people of the State of California.

425. 42145. The board shall administer and collect the tax imposed by

426. this part pursuant to the Fee Collection Procedures Law (Part 30
 427. (commencing with Section 55001) of Division 2). For purposes of this
 428. part, the references in the Fee Collection Procedures Law to "fee"
 429. shall include the tax imposed by this part and to "feepayer" shall
 430. include a person required to pay the oil and gas severance tax.
 431. 42146. The board shall, upon appropriation, be reimbursed for
 432. expenses incurred in the administration and collection of the tax
 433. imposed by this part.
 434. 42147. The California Higher Education Fund is ~~created~~
 435. ~~in the General Fund~~ hereby created . Moneys in
 436. the fund are continuously appropriated to the California Higher
 437. Education Endowment Corporation.
 438. 42168. With the exception of payments of refunds and
 439. reimbursement to the board for expenses incurred in the
 440. administration and collection of the tax imposed by this part, all
 441. taxes, interest, penalties, and other amounts collected pursuant to
 442. this part shall be deposited into the California Higher Education
 443. Fund.
 444. SEC. 5. No reimbursement is required by this act pursuant to
 445. Section 6 of Article XIII B of the California Constitution because
 446. the only costs that may be incurred by a local agency or school
 447. district will be incurred because this act creates a new crime or
 448. infraction, eliminates a crime or infraction, or changes the penalty
 449. for a crime or infraction, within the meaning of Section 17556 of the
 450. Government Code, or changes the definition of a crime within the
 451. meaning of Section 6 of Article XIII B of the California
 452. Constitution.
 453. ~~SEC. 6. This act provides for a tax levy within~~
 454. ~~the meaning of Article IV of the Constitution and shall go into~~
 455. ~~immediate effect.~~
 456. SEC. 6. This act is an urgency statute necessary
 457. for the immediate preservation of the public peace, health, or safety
 458. within the meaning of Article IV of the Constitution and shall go
 459. into immediate effect. The facts constituting the necessity are:
 460.
 461. In order to quickly mitigate the impacts of funding reductions to
 462. institutions of higher education, it is necessary that this act take
 463. effect immediately.

7.4.8 2009 - ACA 17 - severance COI

464. BILL NUMBER: ACA 17 INTRODUCED
 465. BILL TEXT
 466.
 467.
 468. INTRODUCED BY Assembly Member Nestande
 469.
 470. MARCH 25, 2009
 471.
 472. A resolution to propose to the people of the State of California
 473. an amendment to the Constitution of the State, by amending Section 9
 474. of Article IX thereof, relating to the University of California.

475.

476.

477. LEGISLATIVE COUNSEL'S DIGEST

478.

479.

480. ACA 17, as introduced, Nestande. University of California:

481. severance and early retirement incentives.

482. The California Constitution constitutes the University of

483. California as a public trust to be administered by the Regents of the

484. University of California with full powers of organization and

485. government, subject only to specified legislative control. Existing

486. law requires the meetings of the regents to be public with exceptions

487. and notice requirements as may be provided by statute. Existing law

488. states the intent of the Legislature that any proposal relating to

489. the salary, benefits, perquisites, severance payments, as specified,

490. or retirement benefits, or any other form of compensation paid to an

491. officer of the University of California shall not become effective

492. unless notice of the meeting at which the proposal is to be

493. considered has been given to each regent and information and

494. materials regarding the proposal, including a full disclosure of the

495. fiscal impact, have been made available to each regent in advance.

496. This measure would prohibit any employee of the University of

497. California who receives any financial benefit with a value in excess

498. of \$50,000 as part of a temporary voluntary separation program, as

499. defined, from the University of California from thereafter being

500. employed by, or contracting for personal services with, the

501. university, in any compensated capacity, unless the person returns

502. the entire financial benefit.

503. Vote: 2/3. Appropriation: no. Fiscal committee: yes.

504. State-mandated local program: no.

505.

506.

507.

508. Resolved by the Assembly, the Senate concurring, That the

509. Legislature of the State of California at its 2009-10 Regular Session

510. commencing on the first day of December 2008, two-thirds of the

511. membership of each house concurring, hereby proposes to the people of

512. the State of California that the Constitution of the State be

513. amended as follows:

514. That Section 9 of Article IX thereof is amended to read:

515. SEC. 9. (a) The University of California shall constitute a

516. public trust, to be administered by the existing corporation known as

517. "The Regents of the University of California," with full powers of

518. organization and government, subject only to such legislative control

519. as may be necessary to insure the security of its funds and

520. compliance with the terms of the endowments of the university and

521. such competitive bidding procedures as may be made applicable to the

522. university by statute for the letting of construction contracts,

523. sales of real property, and purchasing of materials, goods, and

524. services. Said corporation shall be in form a board composed of seven

525. ex officio members, which shall be: the Governor, the Lieutenant

526. Governor, the Speaker of the Assembly, the Superintendent of Public

527. Instruction, the president and the vice president of the alumni

528. association of the university and the acting president of the

529. university, and 18 appointive members appointed by the Governor and

530. approved by the Senate, a majority of the membership concurring;

531. provided, however that the present appointive members shall hold

532. office until the expiration of their present terms.

533. (b) The terms of the members appointed prior to November 5, 1974,
 534. shall be 16 years; the terms of two appointive members to expire as
 535. heretofore on March 1st of every even-numbered calendar year, and two
 536. members shall be appointed for terms commencing on March 1, 1976,
 537. and on March 1 of each year thereafter; provided that no such
 538. appointments shall be made for terms to commence on March 1, 1979, or
 539. on March 1 of each fourth year thereafter, to the end that no
 540. appointment to the regents for a newly commencing term shall be made
 541. during the first year of any gubernatorial term of office. The terms
 542. of the members appointed for terms commencing on and after March 1,
 543. 1976, shall be 12 years. During the period of transition until the
 544. time when the appointive membership is comprised exclusively of
 545. persons serving for terms of 12 years, the total number of appointive
 546. members may exceed the numbers specified in the ~~preceding~~
 547. preceding paragraph.

548. In case of any vacancy, the term of office of the appointee to
 549. fill such vacancy, who shall be appointed by the Governor and
 550. approved by the Senate, a majority of the membership concurring,
 551. shall be for the balance of the term for which such vacancy exists.

552. (c) The members of the board may, in their discretion, following
 553. procedures established by them and after consultation with
 554. representatives of faculty and students of the university, including
 555. appropriate officers of the academic senate and student governments,
 556. appoint to the board either or both of the following persons as
 557. members with all rights of participation: a member of the faculty at
 558. a campus of the university or of another institution of higher
 559. education; a person enrolled as a student at a campus of the
 560. university for each regular academic term during his service as a
 561. member of the board. Any person so appointed shall serve for not less
 562. than one year commencing on July 1.

563. (d) Regents shall be able persons broadly reflective of the
 564. economic, cultural, and social diversity of the State, including
 565. ethnic minorities and women. However, it is not intended that
 566. formulas or specific ratios be applied in the selection of regents.

567. (e) In the selection of the Regents, the Governor shall consult an
 568. advisory committee composed as follows: The Speaker of the Assembly
 569. and two public members appointed by the Speaker, the President Pro
 570. Tempore of the Senate and two public members appointed by the Rules
 571. Committee of the Senate, two public members appointed by the
 572. Governor, the chairman of the regents of the university, an alumnus
 573. of the university chosen by the alumni association of the university,
 574. a student of the university chosen by the Council of Student Body
 575. Presidents, and a member of the faculty of the university chosen by
 576. the academic senate of the university. Public members shall serve for
 577. four years, except that one each of the initially appointed members
 578. selected by the Speaker of the Assembly, the President Pro Tempore of
 579. the Senate, and the Governor shall be appointed to serve for two
 580. years; student, alumni, and faculty members shall serve for one year
 581. and may not be regents of the university at the time of their service
 582. on the advisory committee.

583. (f) The Regents of the University of California shall be vested
 584. with the legal title and the management and disposition of the
 585. property of the university and of property held for its benefit and
 586. shall have the power to take and hold, either by purchase or by
 587. donation, or gift, testamentary or otherwise, or in any other manner,
 588. without restriction, all real and personal property for the benefit

589. of the university or incidentally to its conduct; provided, however,
 590. that sales of university real property shall be subject to such
 591. competitive bidding procedures as may be provided by statute. Said
 592. corporation shall also have all the powers necessary or convenient
 593. for the effective administration of its trust, including the power to
 594. sue and to be sued, to use a seal, and to delegate to its committees
 595. or to the faculty of the university, or to others, such authority or
 596. functions as it may deem wise. The Regents shall receive all funds
 597. derived from the sale of lands pursuant to the act of Congress of
 598. July 2, 1862, and any subsequent acts amendatory thereof. The
 599. university shall be entirely independent of all political or
 600. sectarian influence and kept free therefrom in the appointment of its
 601. regents and in the administration of its affairs, and no person
 602. shall be debarred admission to any department of the university on
 603. account of race, religion, ethnic heritage, or sex.

604. (g) Meetings of the Regents of the University of California shall
 605. be public, with exceptions and notice requirements as may be provided
 606. by statute.

607. (h) Any employee of the University of California who receives any
 608. financial benefit with a value in excess of fifty thousand dollars
 609. (\$50,000) as part of a temporary voluntary separation program from
 610. the University of California shall not thereafter be employed by, or
 611. enter into a personal services contract with, the university, in any
 612. compensated capacity, unless that person returns the entire financial
 613. benefit to the university. For the purposes of this subdivision:
 614.

615. (1) "Temporary voluntary separation program" means any program
 616. that is offered for not more than three years, and that is not part
 617. of the employee's regular compensation or retirement benefits, under
 618. which an employee receives a financial benefit as an inducement to
 619. retire or end employment with the university.

620. (2) "Financial benefit" means anything of value, including, but
 621. not limited to, money or increased retirement benefits.

7.4.9 2009 – SB 86 Executive Pay Freeze

8 BILL NUMBER: SB 217 AMENDED
 9 BILL TEXT
 10
 11 AMENDED IN SENATE MAY 6, 2009
 12 AMENDED IN SENATE APRIL 20, 2009
 13
 14 INTRODUCED BY Senators Yee and Romero
 15 (Coauthors: Senators DeSaulnier and Denham)
 16
 17 FEBRUARY 23, 2009
 18
 19 An act to add ~~Sections 71090.3 and~~ Section
 20 89500.5 to, and to add Article 2 (commencing with Section
 21 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the
 22 Education Code, relating to public postsecondary education.
 23
 24
 25
 26 LEGISLATIVE COUNSEL'S DIGEST

27
28
29 SB 217, as amended, Yee. Public postsecondary education: executive
30 officer compensation.

31 Existing law establishes the University of California, which is
32 administered by the Regents of the University of California, the
33 California State University, which is administered by the Trustees of
34 the California State University, and the California Community
35 Colleges, which is administered by the Board of Governors of the
36 California Community Colleges, as the 3 segments of public
37 postsecondary education in this state. Existing law authorizes the
38 regents, the trustees, and the board to employ officers and other
39 employees.

40 This bill would prohibit the trustees ~~and the board~~
41 from increasing the monetary compensation, as defined, of,
42 or approving a monetary bonus for, any executive officer, as defined,
43 of ~~their respective segments~~ the California
44 State University in any fiscal year in which the General Fund
45 appropriation to the ~~respective segment~~
46 California State University in the annual Budget Act is less
47 than, or equal to, the General Fund appropriation to ~~that~~
48 ~~segment~~ the university in the annual Budget Act
49 for the immediately preceding fiscal year. The bill would request the
50 regents to not increase the monetary compensation of, or approve a
51 monetary bonus for, any executive officer, as defined, of the
52 University of California, in any fiscal year in which the General
53 Fund appropriation to the University of California in the annual
54 Budget Act is less than, or equal to, the General Fund appropriation
55 to the university in the annual Budget Act for the immediately
56 preceding fiscal year.

57 Vote: majority. Appropriation: no. Fiscal committee: yes.
58 State-mandated local program: no.

59
60

61 THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

62

63 ~~SECTION 1. Section 71090.3 is added to the~~
64 ~~Education Code, to read:~~

65 ~~71090.3. (a) The board of governors shall not increase the~~
66 ~~monetary compensation of, or approve payment of a monetary bonus to,~~
67 ~~any executive officer in any fiscal year in which the amount of~~
68 ~~General Fund moneys appropriated to the California Community Colleges~~
69 ~~in the annual Budget Act is less than, or equal to, the amount of~~
70 ~~the General Fund moneys appropriated to the California Community~~
71 ~~Colleges in the annual Budget Act for the immediately preceding~~
72 ~~fiscal year.~~

73 ~~(b) As used in this section, the following terms have the~~
74 ~~following meanings:~~

75 ~~(1) "Executive officer" includes, but is not limited to, the~~
76 ~~Chancellor of the California Community Colleges, an executive vice~~
77 ~~chancellor, a senior vice chancellor, the general counsel of the~~
78 ~~colleges.~~

79 ~~(2) "Monetary compensation" includes, but is not limited to, a~~
80 ~~salary, a vehicle allowance, and a housing allowance.~~

81 ~~(c) Subdivision (a) shall apply only to executive officers that~~
82 ~~enter into or renew a contract for employment with the California~~
83 ~~Community Colleges on or after January 1, 2010.~~

84 ~~SEC. 2.~~ SECTION 1. Section 89500.5
85 is added to the Education Code, to read:
86 89500.5. (a) The trustees shall not increase the monetary
87 compensation of, or approve payment of a monetary bonus to, any
88 executive officer in any fiscal year in which the amount of General
89 Fund moneys appropriated to the California State University in the
90 annual Budget Act is less than, or equal to, the amount of General
91 Fund moneys appropriated to the California State University in the
92 annual Budget Act for the immediately preceding fiscal year.
93 (b) As used in this section, the following terms have the
94 following meanings:
95 (1) "Executive officer" includes, but is not limited to, the
96 Chancellor of the California State University, a vice chancellor of
97 the university, an executive vice chancellor of the university, the
98 general counsel of the university, the trustees' secretary, a
99 president of a campus, and a managerial employee as defined in
100 Section 3562 of the Government Code.
101 (2) "Monetary compensation" includes, but is not limited to, a
102 salary, a vehicle allowance, and a housing allowance.
103 (c) Subdivision (a) shall apply only to executive officers that
104 enter into or renew a contract for employment with the California
105 State University on or after January 1, 2010.
106 ~~SEC. 3.~~ SEC. 2. Article 2
107 (commencing with Section 92010) is added to Chapter 1 of Part 57 of
108 Division 9 of Title 3 of the Education Code, to read:
109
110 Article 2. Executive Compensation
111
112
113 92010. (a) The Regents of the University of California are
114 requested to not increase the monetary compensation of, or approve
115 payment of a monetary bonus to, any executive officer in any fiscal
116 year in which the amount of General Fund moneys appropriated to the
117 University of California in the annual Budget Act is less than, or
118 equal to, the amount of General Fund moneys appropriated to the
119 University of California in the immediately preceding fiscal year.
120 (b) As used in this section, the following terms have the
121 following meanings:
122 (1) "Executive officer" includes, but is not limited to, the
123 President of the University of California, the chancellor of an
124 individual campus, a vice president of the university, the treasurer
125 of the university, the assistant treasurer of the university, the
126 general counsel of the university, the regents' secretary ,
127 and a managerial employee as defined in Section 3562 of the
128 Government Code.
129 (2) "Monetary compensation" includes, but is not limited to, a
130 salary, a vehicle allowance, and a housing allowance.
131 (c) Subdivision (a) shall apply only to executive officers that
132 enter into or renew a contract for employment with the University of
133 California on or after January 1, 2010.

7.4.10 2009 SB 219 UC Whistle Blower Protection

BILL NUMBER: SB 219 ENROLLED
 BILL TEXT

PASSED THE SENATE AUGUST 24, 2009
PASSED THE ASSEMBLY JULY 13, 2009
AMENDED IN ASSEMBLY JUNE 26, 2009
AMENDED IN SENATE MAY 13, 2009

INTRODUCED BY Senator Yee
(Coauthor: Assembly Member Portantino)

FEBRUARY 23, 2009

An act to amend Section 8547.10 of the Government Code, relating to improper governmental activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, Yee. Disclosure of improper governmental activities: University of California: damages.

Existing law, the California Whistleblower Protection Act, authorizes a University of California employee or applicant for employment to have an available action for damages caused by intentional acts of reprisal, retaliation, threats, or coercion only if the university failed to reach a decision regarding a complaint filed with a specified university officer by the injured party within the time limits established for that purpose by the Regents of the University of California.

This bill would also authorize an available action for damages if the university reached a decision regarding the complaint filed with the specified university officer and state that these provisions are not intended to prohibit an injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8547.10 of the Government Code is amended to read:

8547.10. (a) A University of California employee, including an officer or faculty member, or applicant for employment may file a written complaint with his or her supervisor or manager, or with any other university officer designated for that purpose by the regents, alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts for having made a protected disclosure, together with a sworn statement that the contents of the written complaint are true, or are believed by the affiant to be true, under penalty of perjury. The complaint shall be filed within 12 months of the most recent act of reprisal complained about.

(b) Any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a University of California employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure, is subject to a fine not to exceed ten thousand dollars (\$10,000) and imprisonment in the county jail for up to a period of one year. Any university employee, including an officer or faculty member, who

intentionally engages in that conduct shall also be subject to discipline by the university.

(c) In addition to all other penalties provided by law, any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a university employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure shall be liable in an action for damages brought against him or her by the injured party. Punitive damages may be awarded by the court where the acts of the offending party are proven to be malicious. Where liability has been established, the injured party shall also be entitled to reasonable attorney's fees as provided by law. An action for damages shall be available to the injured party only if the injured party has first filed a complaint with the university officer identified pursuant to subdivision (a), and the university has either reached a decision regarding the complaint, or failed, within the time limits established by the regents, to reach a decision regarding the complaint. Nothing in this section is intended to prohibit the injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

(d) This section is not intended to prevent a manager or supervisor from taking, directing others to take, recommending, or approving any personnel action or from taking or failing to take a personnel action with respect to any university employee, including an officer or faculty member, or applicant for employment if the manager or supervisor reasonably believes any action or inaction is justified on the basis of evidence separate and apart from the fact that the person has made a protected disclosure.

(e) In any civil action or administrative proceeding, once it has been demonstrated by a preponderance of the evidence that an activity protected by this article was a contributing factor in the alleged retaliation against a former, current, or prospective employee, the burden of proof shall be on the supervisor, manager, or appointing power to demonstrate by clear and convincing evidence that the alleged action would have occurred for legitimate, independent reasons even if the employee had not engaged in protected disclosures or refused an illegal order. If the supervisor, manager, or appointing power fails to meet this burden of proof in an adverse action against the employee in any administrative review, challenge, or adjudication in which retaliation has been demonstrated to be a contributing factor, the employee shall have a complete affirmative defense in the adverse action.

(f) Nothing in this article shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or state law or under any employment contract or collective bargaining agreement.

7.4.11 2009 - SCA 21 Legislature & Autonomy

BILL NUMBER: SCA 21 INTRODUCED
BILL TEXT

INTRODUCED BY Senators Yee and Ashburn
(Principal coauthors: Assembly Members Nestande and Portantino)

(Coauthor: Senator Romero)

MAY 26, 2009

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 21, as introduced, Yee. University of California.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require that corporation to have all powers necessary or convenient for the effective administration of its trust.

This measure would repeal on January 1, 2011, the constitutional provisions relating to the university and the regents and would require the university and the regents to be continued in existence subject to legislative control as may be provided by statute. The measure would require the Legislature to enact legislation to implement these provisions.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2009-10 Regular Session commencing on the first day of December 2008, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First-- That Section 9 of Article IX thereof is amended to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to ~~such~~ that legislative control as may be necessary to ~~insure~~ ensure the security of its funds and compliance with the terms of the endowments of the university and ~~such~~ competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. ~~Said~~ The corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring ; ~~provided, however that the present appointive members shall hold office until the expiration of their present terms~~ .

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March ~~1st~~ 1 of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. ~~During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.~~

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which ~~such~~ that vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his or her service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the ~~Regents~~ regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President ~~Pro~~ pro Tempore of the Senate and two public members appointed by ~~the Rules Committee of~~ the Senate Committee on Rules, two public members appointed by the Governor, the ~~chairman~~ chairperson of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President ~~Pro~~ pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct ~~provided, however, that~~. However, sales of university real property shall be subject to ~~such~~ competitive bidding procedures as may be provided by statute. ~~Said~~ The corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be

sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, ~~such~~ the authority or functions as it may deem wise. The ~~Regents~~ regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

(h) This section shall become inoperative on January 1, 2011, and as of that date is repealed.

Second-- That Section 9 is added to Article IX thereof, to read:
SEC. 9. (a) The University of California is hereby continued in existence in the state government, and is subject to legislative control as may be provided by statute.

(b) The University of California shall be administered by the existing corporation known as "The Regents of the University of California," which is hereby continued in existence in the state government, and is subject to legislative control as may be provided by statute.

(c) The Legislature shall enact legislation to implement this section.

(d) This section shall become operative on January 1, 2011.

7.4.11.1 Mark Yudoff response to SCA 21

UNIVERSITY OF CALIFORNIA

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July 10, 2009

The Honorable Tom Bates
 Members, Berkeley City Council
 2180 Milvia Street
 Berkeley, California 94704

Dear Mayor Bates and Berkeley City Council Members:

I understand that the Berkeley City Council will be considering its position on Senate Constitutional Amendment 21 by Senator Leland Yee on July 14, 2009. I am writing to inform you that the University of California opposes SCA 21, which seeks to repeal the historic constitutional status of the University and place it under the direct control of the Legislature. Not only is this legislation unnecessary, it would also impose costs that would exacerbate the fiscal crisis already facing UC and the State. Finally, and of greatest concern, SCA 21 could jeopardize the principle of academic freedom that underpins the University's teaching and research missions--the very essence of the University's contribution to California's economy. For these reasons, the University must oppose SCA 21, and we would respectfully request that the City join us, the UC Academic Assembly, the California Healthcare Institute, and a growing list of civic organizations in opposition to SCA 21.

SCA 21 Is Unnecessary

We believe that SCA 21 is not necessary given that the University is already subject to legislative oversight in a number of non-academic areas, including anti-discrimination statutes, environmental laws, disability rights laws, public records laws, medical malpractice statutes, construction and procurement requirements, general contract law, and others. Furthermore, the Legislature exercises substantial oversight of UC through the annual budget process, which gives it nearly exclusive power to determine the State-funded portion of UC's budget. The Legislature also has the ability to conduct legislative hearings on the effectiveness of State institutions of higher education, and to mandate reporting requirements through Budget Act language. Even with its constitutional status, UC must still respect the Legislature's authority in these key areas.

In addition, the University remains committed to public accountability and transparency in all that we do. As a longstanding proponent of accountability in higher education, I have launched a comprehensive accountability framework that sets forth measures of performance in many areas of the University, including access and

The Honorable Tom Bates
 July 10, 2009
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affordability, student success, research impact and funding, and faculty, staff, and student diversity, to name but a few. Furthermore, UC has made extensive reforms to its compensation practices and provides full disclosure of all compensation decisions made by the Board of Regents. The University remains committed to working with the Legislature on these and other issues of common interest.

SCA 21 Imposes Excessive and Burdensome Costs

SCA 21 could have far-reaching financial impacts that would increase costs in a time of fiscal crisis for both UC and the state:

- **Bond Ratings:** UC's bonds are rated Aa1/AA, among the highest of all public entities in California. Compared to the State, UC has relatively low-cost access to the financial markets for both long-term bonds and short-term borrowing. If the University's constitutional status were repealed, it would become much more expensive to fund campus and medical center projects through the issuance of University bonds.
- **Private Donations:** Repeal of UC's constitutional status could have a potentially devastating impact on private donations to the University at a time when private giving is more important than ever in the face of shrinking public resources. Many donors would undoubtedly be deterred from supporting UC for fear that their gifts--intended to support the University--would somehow be redirected to another State agency or function, or that the Legislature would assess a "fee" or "tax" on gifts.

UC's Constitutional Status Promotes Academic Excellence that Benefits California

The University's constitutional status fosters world-class educational and research programs that attract top-quality faculty, benefit students, deliver the most advanced health care available, train future generations of innovators, doctors, engineers, and other leaders, conduct top-notch agricultural research to ensure safe, affordable, and nutritious food, and touch the lives of Californians throughout the state.

- **Top-Quality Faculty:** UC's constitutional status provides UC faculty with the academic freedom necessary to determine course content, establish academic criteria for admission, set degree requirements, and conduct research free from external pressures. Indeed, this explicit guarantee of independence from political pressure enables UC to compete with elite private universities to recruit and retain faculty of the highest caliber. The quality of our faculty attracts highly qualified graduate and professional students to California, while providing excellent educational opportunities for undergraduates.
- **Educational Access and Excellence:** UC is consistently ranked in the top echelon of public universities in America. Our constitutional status ensures UC has the flexibility to engage in long-term program planning, rather than be

The Honorable Tom Bates

July 10, 2009

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driven by the year-to-year issues that dominate the political process. It also contributes to our academic excellence, by attracting top-quality faculty, health care professionals, researchers, administrators, and leaders to our ten campuses and five medical centers. These exceptional individuals enable UC to attract and maintain access for high-achieving students, including enrolling more low-income students than any major research university. We graduate more than 55,000 highly qualified students into the workforce each year, many of whom remain in California to contribute to our state's economic vitality and quality of life. UC is an engine of opportunity and progress, for both our students and California as a whole.

- Research and Innovation: The academic freedom of the faculty and the constitutional status of the University allow for the ability to decide what research is done, how it is conducted, and how the results are published--all of which helps us formulate innovative new solutions for society's pressing needs. UC research improves the quality of people's lives, attracts businesses to California, and helps the state maintain its competitiveness in the high-technology industries that contribute to the state's well-being, health, and prosperity--now and into the future.

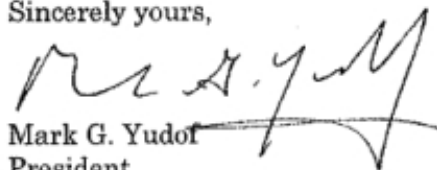
Let me conclude by reiterating that the University is committed to being accountable and transparent to both the Legislature and to the people of the State of California. Unfortunately SCA 21 does nothing to advance these goals. In fact, SCA 21 threatens the core principles that make UC the top public university in the nation, and arguably the world.

For the record, the University treasures its relationship with the City of Berkeley, and we believe that our mutual interests are at stake in defeating this legislation. Accordingly, we would respectfully request that should the City desire to take action, that it adopt a resolution to oppose SCA 21.

Thank you for your consideration of the University's views.

With best wishes, I am,

Sincerely yours,



Mark G. Yudof
President

cc: Chancellor Birgneneau
Interim Provost Pitts
Executive Vice President Lapp
Senior Vice President Dooley
Vice President Lenz
Associate Vice President Juarez

7.4.11.2 UC Statement Opposing SCA 21

Putting UC under Legislature's control is a non-starter

Date: 2009-05-27

Contact: University of California Office of the President

Phone: (510) 987-9200

Below is a statement from the University of California regarding Assembly Constitutional Amendment 24, legislation sponsored by state Sen. Leland Yee and several of his colleagues that would repeal the university's autonomy.

It is absurd that Senator Yee and his co-sponsors want to rewrite the California Constitution to strip the university of its historic autonomy and place it under direct control of the state Legislature.

Given the current \$25 billion hole in the state budget and the political paralysis that chronically plagues Sacramento, tossing a 10-campus public research university that is the pride of California and the envy of the world into the Sacramento mix should be a non-starter.

Let's be clear: UC is working. At a time when it has become popular to mock California, the university survives as one of the state's great success stories. It has thrived under the system of autonomous governance, led by the Regents, that was so wisely written into the Constitution by our pioneers.

California might have trouble marketing its bonds in the current fiscal crisis, but UC has a AA1/AA rating. The state budget may have fallen over a cliff, but UC has managed its resources prudently in a tough environment. It has been able to preserve its world class status -- a thrumming engine of educational opportunity, scientific advance and economic stimulus -- even as it has absorbed a steady onslaught of cuts dictated from Sacramento.

Even with pinched budgets, UC still can attract top leaders to its 10 campuses and five medical centers, and can do so despite the easily verified fact that we compensate them well below the national average for comparable institutions.

By contrast, consider what state control has meant for California's once world class, but now declining, K-12 public education effort. As Arne Duncan, secretary of the U.S. Department of Education, observed during a recent visit: "Honestly, I think California has lost its way, and I think the long-term consequences of that are very troubling."

Indeed, the university's biggest problem rests with what the state has been doing to us already, even without this attempted power grab. State support for public higher education has eroded at an accelerating pace. Our appropriation from Sacramento, which covers the core costs of educating 225,000 students, has fallen from \$3.3 billion in fiscal 2007-08 to \$2.5 billion, as now proposed for fiscal 2009-10. To put it another way, in the last 20 years, state spending per student has dropped by 40 percent.

This has made it necessary to slash budgets, freeze salaries, reduce staffs and raise fees. Meanwhile, the cost of the education we provide has remained fairly constant: According to one recent study, it rose roughly 1 percent over the last five years combined. So, the cost of delivery of the product has not gone up, but the portion students must pay to attend has gone up as a direct result of constant cuts to higher education made by Sacramento.

UC is fully aware that California is in dire straits, and that the UC must do its part. But distractions of this kind do not help.

7.4.11.3 Letter Opposing SCA 21

Letter from Californians for an Independent UC

June 18, 2009

Dear Honorable Sir or Madam:

We are writing to express our strongest opposition to an extremely troubling proposal that would irreparably harm one of California's greatest academic, scientific, cultural and economic assets, and our state in general. We are referring to Senate Constitutional Amendment 21 (SCA21), authored by state Senators Leland Yee of San Francisco, Roy Ashburn of Bakersfield and Gloria Romero of Los Angeles. SCA21 proposes to undo more than 140 years of successful, independent governance by the University of California, placing it under direct control of the state Legislature. A similar and equally harmful companion bill (ACA24) has been introduced in the state Assembly by Assemblymembers Brian Nestande of Palm Desert and Anthony Portantino of La Canada/Flintridge.

We write to you as both graduates and longtime supporters of the University of California and as California employers and business owners who believe that SCA21 and ACA24 represent a misguided and over-reaching attack on UC under the false guise of reform. Framing SCA21 around his accusatory rhetoric of scandal and secrecy, Sen. Yee has unfairly distorted UC's record, maligned its leadership and conveniently failed to recognize that UC:

- receives a relatively small and steadily declining subsidy from the state;
- faculty and staff are, in fact, underpaid on average when compared to peer universities;
- has instituted meaningful and substantive reforms to improve accountability and transparency in its governance;
- has significantly reduced administrative and institutional costs; and,
- continues to hold student tuition below the average of what comparable universities charge, even as state support has dwindled.

The direct and indirect harm that we believe Sen. Yee's proposed legislation would cause to the University of California cannot be understated. Among the deleterious effects that we can anticipate from Sen. Yee's SCA21 are:

- diminishing UC's ability to attract and retain the best and brightest leaders, academics and researchers;
- exposing UC governance to the corrosive influence of partisan politics;
- subjecting decisions regarding academic and scientific research to political calculation;
- devaluing UC's hard-earned and well-deserved international reputation as an institution of integrity, innovation and independence;
- reducing educational quality and the quality of scientific research; and,
- increasing UC's vulnerability to the state's own budget instability.

We also harbor grave concerns about the many unintended consequences that could stem from Sen. Yee's ill-conceived bill. For example, would the state Legislature's direct governance role create a chilling effect on private funding of scientific research? Would philanthropists be willing to donate money to an institution controlled by politicians? Would UC's overall budget, including the 84 percent of total operating expenditures that don't come from the state, be subject to control by the state Legislature, and what might that mean for UC's future financial sustainability?

It's hard to imagine the justification for such a drastic and sweeping proposal. Would anyone argue that over the past 140 years the University of California under the independent leadership of the Board of Regents – along with the state Legislature's strong oversight role – has not grown into one of the most accomplished and respected public university systems in the world? Many of its 10 undergraduate universities consistently rank among the best in the nation, if not the world. Its 32 Nobel laureates are the most of any university or university system in the world. Its many other academic awards and honors are too many to list here.

It's unlikely that any of the revolutionary advances in sustainable energy, medicine, agriculture and other sciences developed at UC – including breakthroughs in the treatment of infectious diseases, commercially viable biofuels, and food and product safety – could have been achieved if the University were subject to the political contention, gridlock and inaction prevalent in California's legislative process.

The University's success for students, faculty and California has come against a backdrop of increasing demand on the institution, including enrollment growth and declining financial support from state government. Over the past almost 20 years, state government's share of UC's core spending has declined by 40 percent. Even with recent and proposed increases in student fees to help offset lower state support, UC's undergraduate fees are an average of 20 percent lower than those charged at comparable universities. We believe it is important to note that UC has worked hard to insulate students against the full brunt of declining state revenue, drawing on public and private research funding and revenue from its own internal enterprises to blunt the financial impact on students.

Much attention has been focused in recent years on management and compensation issues at UC. Sen. Yee has been among the shrillest critics of UC and the Board of Regents over these issues. Like all Californians, we agree that UC must be accountable and transparent in its operations and governance. And we believe that UC and the Board of Regents have taken tangible and effective actions to ensure that the University honors and upholds the public's trust. In 2007, the

University began implementing of number substantive reforms to increase accountability and efficiency, including reducing overall administrative costs. These actions and many others were taken in direct response to and in consultation with the state Legislature.

Senator Yee simply refuses to acknowledge the substantial changes the University has made and is continuing to make in improving accountability and transparency. Moreover, that a member of the California Senate is calling for more transparency from UC when the Legislature's own budget process revolves around closed-door meetings of four legislative leaders and the governor is incongruous at best. We can't help but wonder why Senator Yee is not directing a similar fervor to cleaning up his own house, whose failings are currently pushing our great state to the brink of insolvency.

Above all, we believe that the University of California must remain true to its mission, which is firmly and historically rooted in its independence. UC must continue to compete to maintain its position as a world-class academic and research institution. This is truer now than ever before as we work to restore California to economic health. UC has always been one of California's primary economic drivers, pushing innovation, creating thousands of jobs, spinning off hundreds of new businesses and educating our future work force. We should not take lightly any attempt to weaken UC's ability to compete and succeed and, in turn, weaken California's future. Sen. Yee's misguided proposal would do just that.

Please help us keep an independent University of California healthy and strong. Please withdraw SCA21 and ACA24.

Sincerely,

Warren Hellman - Co-founder & Chairman, Hellman & Friedman LLC

Arthur Rock - Principal, Arthur Rock & Co.

William K. Coblentz - Attorney and former Chairman, UC Board of Regents

Robert D. Haas - Trustee, Evelyn & Walter Haas, Jr. Fund; former CEO, Levi Strauss & Co.

Walter J. Haas - Co-Chair, Evelyn & Walter Haas, Jr. Fund; former Chairman & CEO, Oakland A's

Gordon Moore - Co-founder and Chairman Emeritus, Intel

George Shultz - Thomas W. and Susan B. Ford Distinguished Fellow, Hoover Institution, Stanford University; Former U.S. Secretary of State

Donald Fisher - Founder of Gap Inc.

Frank E. Baxter - U.S. Ambassador to Uruguay; former Chairman and CEO, Jefferies & Co.

Richard Rosenberg - Chairman, University of California San Francisco Foundation; former Chairman & CEO, BankAmerica

Michael D. Goldberg - General Partner, Mohr Davidow Ventures

Douglas Shorenstein - Chairman & CEO, Shorenstein Properties LLC

William F. Cronk - Former President, Dreyer's Grand Ice Cream

Theodore Geballe - Class of '41, UC Berkeley; Professor Emeritus, Applied Physics, Stanford University

Gerson Bakar - Gerson Bakar & Associates

Edward E. Penhoet - President, The Gordon and Betty Moore Foundation

T. Gary Rogers - Chairman, Levi Strauss & Co.; former Chairman & CEO, Dreyer's Grand Ice Cream, Inc.

Arthur Kern - Director, Yahoo!

Charlotte Shultz - Chief of Protocol, State of California

Janet McKinley - Board Chair, Oxfam

Warren E. "Ned" Spieker, Jr. - Chairman, Continuing Life Communities; Managing Partner, Spieker Realty Investments

Lynn Feintech - A.B. 1971, M.A. 1974, UC Berkeley

Georgia Lee - Managing Director, Hellman & Friedman LLC

7.4.11.3 CUCFA Letter on SCA 21

June 29, 2009

Senator Leland Yee
State Capitol, Room 4074
Sacramento, CA 95814
Fax: (916) 327-2186

Re: SCA 21 and ACA 24

Dear Senator Yee,

The Council of UC Faculty Associations (CUCFA) believes that UC should be fully accountable to the public, and disagrees with recent comments by UC's leaders suggesting that accountability must decrease as state support declines. Like you, we think that UC's growing reliance on the private sector should be of concern to the legislature, insofar as this diverts the university from its traditional priorities and public mission.

Our position is different from yours, however, on the issue of regental autonomy, which we support because on rare, but memorable, occasions, it has protected the faculty's academic freedom from political interference. More recent threats come from the private sector influence on UC's administration, and the tendency to hide this influence from public view. Here, greater legislative oversight might advance academic freedom by promoting openness and debate about UC's institutional interest in much the way that shared governance is designed to do. The academic freedom that regental autonomy protects is also protected by administrative accountability, and is thus consistent with the responsibility of UC's administration to serve the public good through policies that are open and transparent.

We, thus, believe that there is a shared interest between the faculty and the legislature in holding UC accountable. Your whistleblower legislation is important in this regard, and we believe that further legislation will soon be necessary to protect faculty from reprisals for demanding UC accountability and publicly questioning its policies. We are concerned however that the current debate over regental autonomy is distracting both the legislature and the UC administration from the policy debate that the state should be having over the values of quality, access, and affordability articulated in the Master Plan and the future of UC as a public institution.

These are urgent concerns of the UC faculty represented by CUCFA, and we request a meeting to discuss legislative approaches to addressing them.

Cordially,
Robert Meister,
President, Council of UC Faculty Associations

cc: Senators Ashburn and Romero
Assemblymembers Nestande and Portantino
UC President Mark Yudof

7.11.4 UC Academic Senate Letter on SCA 21

Mary Croughan
Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: mary.croughan@ucop.edu
June 23, 2009

PRESIDENT MARK YUDOF
UNIVERSITY OF CALIFORNIA
Re: Resolution of the Academic Assembly Opposing ACA 24 and SCA 21

Dear Mark:

At its meeting on June 17, the Academic Assembly unanimously passed a resolution opposing ACA 24 and SCA 21, which would authorize an amendment to the state constitution to strip the Regents of their constitutional autonomy. The Academic Assembly resolved:

That the existing provisions of Article IX, Section 9 of the Constitution of the State of California provide for sufficient oversight by the legislature and elected officials of the University; and

That preservation of Regental autonomy is essential to ensuring that the University is “independent of all political or sectarian influence,” which is critical to maintenance of the University’s excellence in teaching, research, and service; and

That the Assembly of the Academic Senate strongly opposes any legislative action to strip The Regents of their Constitutional autonomy.

We request that you communicate the faculty’s strong opposition to the Regents, to the public, and to state legislators. The full text of the resolution is enclosed. Please do not hesitate to contact me if you have any questions regarding the Assembly’s resolution.

Sincerely,

Mary Croughan
Chair, Academic Council



Copy: John Sandbrook, Interim Chief of Staff

Academic Assembly
Martha Winnacker, Academic Senate Executive Director
Dan Dooley, Vice President, External Relations
Steve Juarez, Associate Vice President and Director, State Governmental Relations
Encl (1)

**RESOLUTION OF THE ASSEMBLY OF THE ACADEMIC SENATE
OF THE UNIVERSITY OF CALIFORNIA**

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California provides that “The University of California shall constitute a public trust, to be administered by the existing corporation known as ‘The Regents of the University of California,’ with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute . . .”; and

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California also provides that specified elected officials shall serve as Regents and that the Governor shall appoint and the Senate must confirm a specified number of additional members of the Board of Regents; and

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California further provides that “The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, . . .” and

WHEREAS:

Under the leadership of The Regents, the University has developed into the world’s premiere research university; and

WHEREAS:

The Regents have a well established pattern of complying with legislative requests to the University; and

WHEREAS:

Members of the California legislature have introduced ACA 24 and SCA 21, which would place before the voters a constitutional amendment repealing the historic autonomy of The Regents of the University of California; and

WHEREAS:

Direct legislative control over the University of California would politicize decisions that directly affect academic freedom and the teaching, research, and service missions of the University;

BE IT THEREFORE RESOLVED BY THE ASSEMBLY OF THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA:

That the existing provisions of Article IX, Section 9 of the Constitution of the State of California provide for sufficient oversight by the legislature and elected officials of the University; and

That preservation of Regental autonomy is essential to ensuring that the University is “independent of all political or sectarian influence,” which is critical to maintenance of the University’s excellence in teaching, research, and service; and

That the Assembly of the Academic Senate strongly opposes any legislative action to strip The Regents of their Constitutional autonomy.

7.5 Selected News Articles

DATE	Title	Source	Author
1958 Mar 11	UC Board Confirmation by State Senate Urged	LAT	
1965 Jan 30	UC Changes Are Needed	LAT	C Edwards
1969 Jan 17	UC Student President Attacks Regents' Investment Policies	LAT	J Dreyfuss
1969 May 17	UCLA Disruption: Students Halt Regents Meeting	LAT	J Dreyfuss, WJ Drummond
1969 June 3	Assembly OKs Bill to Allow Balloting on Regents Meetings	LAT	
1969 June 30	SDS and Reagan's Regents – Two of a Kind?	NYT	F Hechinger
1969 Oct 21	Court Blocks UC Red Firings	LAT	K Reich
1970 Jan 17	Tuition Rise at U. of California Fails First Test Before Regents	NYT	
1970 Feb 21	UC Tuition OK'd, Regents' Vote Ends 101-Year Policy	LAT	J Dreyfuss
1970 May 24	The Regents Fiddle While UC Burns	LAT	R Evans, R Novak
1970 June 20	California Regents Drop Communist from Faculty	NYT	W Turner
1970 June 30	Senate Rejects Plan to Cut Regent Terms	LAT	
1970 July 21	Political Interference by the Regents	LAT	
1970 July 24	Regent Denies Politics Delays UC Promotions	LAT	W Trombley
1970 Oct 17	Reagan Denounces 2 Regents as Liars after Angry Debate	NYT	
1970 Oct 29	Probe Stirs Question - Regent-UC Deals: Who Benefits Most?	LAT	N Greenwood
1970 Oct 30	Keep Politics Out of Education	LAT	
1971 Feb 19	Students' Drive for Part in UC Affairs Gaining	LAT	W Trombley
1971 July 16	Regents' Group OKs Interest-Conflict Plan	LAT	
1971 June 11	Faculty Idea: Conduct Code for UC Regents, Students Urged	LAT	W Trombley
1972 Feb 19	Don't Alter Master Plan for Education, UC Regents Urge	LAT	W Trombley
1972 May 6	Calif. Regents Censure by AAUP in Davis Case	WP	
1972 May 9	YES on Regent Appointments	LAT	
1972 Oct 10	Supreme Court Rejects Firing of Angela Davis	LAT	W Trombley
1973 Mar 25	7 of UC Regents Have Perfect Attendance	LAT	
1973 June 25	Vast Changes Urged in State Higher Education	LAT	N Greenwood
1973 June 23	UC Regents Relax Opposition to Bill on Education Panel	LAT	W Trombley
1974 Jan 9	Revamping the Regents	LAT	
1974 Jan 13	UC Campaigns Against Cut in Regents' Terms	LAT	W Trombley
1974 Jan 19	UC Regents Accused of Using Tax Funds for Own Lobbying	LAT	W Trombley
1974 Mar 10	A Good System for Picking Regents	LAT	
1974 June 15	Riles Backs Measure to Cut Regents' Terms	LAT	
1974 June 23	UC Regents: An Elite Club that Runs a Vast University	LAT	W Trombley

1974 June 24	Softer Regent Amendment Seen Headed for Legislative Passage	LAT	
1974 Sep 19	Sweeping Changes in UC Operations Urged by Regent	LAT	W Trombley
1974 Oct 11	Reforming the Regents: Yes on Prop 4	LAT	
1974 Oct 30	Tuition: Yes on Prop 16	LAT	
1974 Nov 7	Voters Approve Changes in UC Regents Board	LAT	W Trombley
1974 Dec 11	Students Want Seat, UC Regents Learn; Faculty Undecided	LAT	W Trombley
1975 Jan 15	A Student as Regent?	LAT	
1974 Feb 10	Move On to Lessen Student Regent Role	LAT	D Speich
1975 Feb 11	Regents Should Stick to Their Bargain	LAT	
1975 Feb 13	Inclusion of Student on UC Board of Regents Advances	LAT	D Speich
1975 Feb 15	Student Regent: Move by UC Shatters Tradition	LAT	D Speich
1975 Mar 25	UC Regent Brown Stirs Up the Board	LAT	D Speich
1975 June 14	Brown Attacks 'Masions' for UC Officials	LAT	D Speich

** NB: The archives of the SF Chronicle could not be accessed electronically, but they undoubtedly also have many revealing insights.

UC Board Confirmation by State Senate Urged

Burns Asks New Controls as Proposal to Increase Number of Regents Comes Up

By a Times Representative

SACRAMENTO, March 10. Sen. Hugh M. Burns of Fresno, Democratic president pro tempore of the State Senate, today announced he would like to see the appointment of the president of the University of California as well as the members of the university's Board of Regents be made subject to confirmation by the Senate.

"As long as the State is appropriating more than \$200,000,000 for the State university," he said, "it would be well for the people through their legislators to have some check on the activities of the Board of Regents and in the matter of selecting a head for our State university."

"The Legislature presently has no voice in the naming of members to the Board of Regents."

Regents' Authority Cited

"In turn, the regents have complete authority to appoint officers and to run the institution as they see fit."

Burns made his comments in connection with a proposed constitutional amendment which would increase the membership on the Board of Regents from 16 to 20.

The measure was introduced by Assemblyman Alan Pattee (R) Salinas, who said he did so at the request of Gov. Knight to provide more widespread geographical representation on the board.

It already has drawn the opposition of Edwin W. Pauley of Los Angeles, chairman of the Board of Regents, who notified Pattee through James Corley, vice-president in charge of business affairs and legislative representative for UC, that he would register his opposition when the Legislature considers the proposal.

Atom Sub Skate Sails for France

PORTLAND, Eng., March 10 (AP) — The American nuclear-powered submarine Skate ended a five-day stay at this British naval base today and sailed for France.

UC Changes Are Needed

The difficulty with the University of California seems to be an absentee management. I note that four members of the Board of Regents, for some inexplicable reason, are residents of Washington, D.C.

I note further that both the president of the University and the chancellor of UCLA have indicated that the outside demands on their time require that they be absent from their campuses over 50% of the time.

Are we as taxpayers getting our money's worth from this situation? I suggest not. I suggest that those members of the Board of Regents who have chosen to seek their fortunes in Washington, D.C., resign from the board and that the president and the chancellor so rearrange their lives so that they can give full attention to the jobs to which they have been entrusted. The high standing of the university, now questioned, must be restored.

CARTER EDWARDS,
Los Angeles.

UC Student President Attacks Regents' Investment Policies

**Charges at Berkeley Meeting Immediately Disputed
by Committee Chairman Pauley, Board Treasurers**

BY JOHN DREYFUSS

Times Education Writer

BERKELEY—Investment policies and financial record-keeping practices of the University of California were attacked Thursday by UC Berkeley's student body president.

The charges were made at a regents' meeting here. Regent Edwin W. Pauley of Los Angeles, chairman of the Regents Investments Committee, said he "disagreed" with the accusations.

They were called "irresponsible" by Owsley B. Hammond, the regents' treasurer.

Emphasizing that there were "no clear cases of conflict of interest," student body president Charles Palmer said there were "heavy expenditures made in stocks from companies in which the regents had a personal concern . . ."

Statement by Carter

Regent Edward W. Carter of Los Angeles, president of Broadway-Hale Stores Inc., and a member of the Investments Committee, told *The Times*: "I happen to direct many major companies. It would be strange if the university didn't invest in some of them."

UC has \$12.6 million invested in companies of which Carter is or was president or a director.

Three other Investments Committee members are or were presidents or directors of companies in which the university has sizeable investments.

They are John E. Canaday of Los Angeles, \$2.3 million; William M. Roth of Washington, D.C., \$1.7 million, and Pauley, \$1.3 million.

UC has \$2 million invested in a company run by Norton Simon of Fullerton, a former member of the Investments Committee.

Knowledgeable independent obser-

vers maintained that there appears to be nothing wrong with the relationship between regents and university investments.

In every case the regent connected with a company under consideration by the Investments Committee abstained from voting on whether UC should invest in the stock, Hammond said.

Many of the stocks and bonds concerned were gifts to UC, in some cases from regents involved with the companies.

The investments in question are financially sound. They total \$19.9 million of the \$528.8 million in long term investments held by UC. The university has another \$135.2 million in short term investments.

'Naive and Irresponsible'

Canaday called the students charges "naive and irresponsible."

Palmer charged that the regents should invest money in urban self-help projects, noting that they have many times given verbal support to such projects.

But Pauley observed that the goal of the investments committee was to make a profit for the university.

"We have no obligation to go into urban development," he said after the meeting. "If urban development paid as much as other real estate

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UC Financial Policies Hit by Student Leader

Continued from Third Page
mortgages do, we would undoubtedly invest."

Palmer also said UC refused to release its investment portfolios from before 1967.

The student body president noted that although portfolios for the last two years are available, the earlier one does not show the purchase price of stocks, thereby "thwarting any analysis of that year's performance."

Before 1967, UC investment portfolios were kept confidential to avoid numerous phone calls from brokers wanting to buy or sell stocks, Hammond said.

He added that pressure from brokers was the principal reason for changing the policy two years ago, and noted that it was changed only after a UC survey of comparable institutions showed that most of them published their portfolios.

Palmer also criticized UC investments in war-related industries, and voiced concern that "average" returns on investments would lead to higher taxes or tuition at the university.

"On the information available and with our

lack of expertise, we would not attempt to offer any deep analysis of the portfolio," Palmer said. "But we believe that the people of California deserve and should have both the facts and analysis."

In other business, Roger W. Heyns, chancellor at UC Berkeley, assured the regents' Educational Policy Committee that credit for a course in which Black Panther Eldridge Cleaver lectured could not be gained through other courses.

A Berkeley professor this week indicated he would grant such credit through independent study courses in which instructors can give credit for special projects.

Regents in September banned credit for the Cleaver course if the Black Panther lectured more than once, which he did.

Heyns also emphasized that no credit is involved in a lecture series in which Tom Hayden, founder of the leftist Students for a Democratic Society, is scheduled to speak nine times and Dr. Herbert Marcuse, left-wing philosopher and a professor at UC San Diego, is slated for one appearance.

UC President Charles J. Hitch presented a 10-year academic plan to the Educational Policy Committee. He said it indicated that skyrocketing enrollment projections "will be quite a serious problem."

Hitch said it appeared that the university might have to accept more students at existing campuses, build new campuses or limit enrollments.

State Department of Finance projections show undergraduate enrollments increasing from 68,430 this year to 97,538 in 1978.

UCLA DISRUPTION

Students Halt Regents Meeting



CONFRONTATION--UCLA Prof. Arthur J. Slavin talks to police captain after students were ejected from UC regents meeting. Session was

disrupted after student radicals were refused permission to address the regents on grievances. Police later dispersed the crowd at Faculty Center.
Times photo by George R. Fry

Police Called to Put Down Disturbance

BY JOHN DREYFUSS
and WILLIAM J. DRUMMOND
Times Staff Writers

Students disrupted a University of California regents meeting Friday at UCLA, forcing a half-hour recess and the calling of 100 city policemen and about 40 highway patrolmen to help clear students from the area.

Five plate glass windows were smashed on the north side of the Faculty Center where the regents met, a section of redwood wall was kicked in and several patio tables were overturned by angry members of a crowd of several hundred students.

Two arrests were made during the disturbance.

Los Angeles police identified the arrested pair as David Paul Rabovsky, 22, booked on suspicion of assaulting a police officer, and James Mackey, 23, booked on suspicion of trespassing and resisting arrest. They identified themselves as UCLA students but reportedly declined to give officers their addresses.

Photographer Injured

Times photographer George R. Fry suffered a slight scalp wound when he was struck by a rock thrown during a scuffle outside the regents meeting. No serious injuries were reported, UCLA police said.

About half a dozen automobiles were damaged by persons in the crowd who clambered atop the cars to get a better view of the action.

The off-campus police and about 40 campus officers cleared a crowd of 500 to 600 students from the front of the Faculty Center about 4:30 p.m.

The trouble began when students were denied permission to speak in the regents meeting. A student spokesman later said they would demand:

Removal of ROTC from all UC campuses; an end to all war-related projects at UC; barring of off-campus police for the suppression of student political demonstrations; that the regents surrender to campus officials the right to hire and fire professors, and that the regents meet in larger rooms.

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UCLA STUDENTS

Continued from First Page

The demands were to be made by the Coalition, a group of radical student organizations at UCLA.

An emergency faculty meeting, to which students are invited, was called for noon Monday at UCLA's Pauley Pavilion by Chancellor Charles E. Young and Dr. Lowell Paige, chairman of the campus Academic Senate division.

"We want to discuss in open meetings the issues raised by today's (regents) meeting," Paige told The

Times. He said he had no specific agenda in mind.

There were no physical clashes Friday between police and the student crowds, which limited their attacks to cries of "Pigs off campus."

The regents meeting had scarcely started at 1:30 p.m. when one student among about 90 in the room jumped to his feet.

"I'm John Donaldson of the Coalition," the 22-year-old junior from Los Angeles told the regents.

Immediately, there were

mingled shouts from students of, "Sit down, pig," and "Let him speak."

About two-thirds of the students present participated in interrupting the meeting. The other third insisted on order.

DeWitt A. Higgs, a San Diego attorney and chairman of the regents, observed that Donaldson had not made a required written request to speak at the meeting.

Regent Frederick G. Dutton of Sausalito urged a waiver of the rules to let Donaldson talk, but he cast the only vote for his proposal. The 19 other regents present, including Gov. Reagan, opposed Dutton.

Continued student interruptions, ranging from shouted profanities to chants of "We want to speak" several times drew warnings from Higgs that

the room might have to be cleared.

Higgs then called a five-minute recess during which UCLA Chancellor Young asked radical stu-

dents to sit through the meeting and perhaps be heard at the end.

The meeting resumed with Higgs saying, "The first item of business is

the president's report."

"No it isn't," shouted a student. The shout was followed by more chants of, "We want to speak."

Higgs then announced

he had asked Young to have persons cleared from the room if they disturbed the meeting.

Rabovsky was hustled

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UCLA STUDENTS

Continued from 10th Page
out by three plainclothes officers.

Then Young, his expression at once tense, angry and sad, signaled Higgs that he wanted to speak.

He ordered all persons except regents, university officials and press representatives to leave the room. They did.

Outside, crowds of students began pounding on walls and doors. Windows were shattered, and the staff of a black flag of anarchy was thrust through one broken pane, leaving the flag to wave gently in the breeze.

After some 20 minutes of disruption, Tom M. Norminton, a 20-year-old junior from Anaheim and UCLA's student body

president-elect, warned the crowd that the Los Angeles police might arrive soon and the students were in danger of being harmed.

The students surged around the one-story, Faculty Center for about 2½ hours after the initial disruption of the regents meeting. They clambered onto the shake roof, chanted and pounded on the sides of the building.

When the regents ended their meeting shortly before 4 p.m., students crowded the exits to the parking lot, attempting to trap the officials in a confrontation. Campus police again moved to the scene and parted the crowd so that the regents could leave.

Young walked through the crowd of students, many of them taunting him as he said through a bullhorn:

"If you students would disperse, you would save a lot of trouble."

The chancellor also met privately with leaders of the Coalition, but the meeting had no apparent effect.

At a press conference after the meeting Gov. Reagan, who had attended as an ex officio regent, granted that communication channels between students and regents may have "become clogged."

But he said the way to clear them is not through provoking confrontation.

Later, student body President Norminton issued a statement saying he could not defend those students who disrupted the meeting but he understood their lack of confidence in using regular channels to reach regents.

During the meeting, Earl F. Cheit, executive vice chancellor at UC Berkeley, told regents why police were called to clear a 2.3-acre vacant lot from which students and nonstudents were being evicted after they had put up walks and playground equipment.

He said attempts to

negotiate with persons who had built the park failed because none could talk for the group.

Police were called, he added, because a delay would have caused a more serious confrontation.

The regents, after some discussion, passed a resolution expressing "full support of the Berkeley administration and the law enforcement agencies

Assembly OKs Bill to Allow Balloting on Regents Meetings

SACRAMENTO (AP)—The Assembly overwhelmingly approved legislation Monday giving voters a chance to decide whether the University of California regents should be required to hold open meetings.

The proposed constitutional amendment, which passed 68 to 1, would go on the 1970 ballot if approved by two-thirds of the Senate.

Similar legislation was approved by the Assembly last year but died in the Senate. Assemblyman William Bagley (R-San Anselmo), author of the measure, said it might have a better chance this year because of changes in Senate leadership.

Under the state's open meeting

law, public agencies and boards including the State College Board of Trustees are required to hold open meetings.

Bagley said the legislative counsel's office has ruled the requirement applies to the regents also—but "their own attorney has given them a contrary opinion."

Closed committee meetings are allowed, as are executive sessions on certain matters—including personnel, legal actions, matters of national defense or anonymous gifts.

Bagley said the proposed amendment has "broad support" from liberals and conservatives alike. He predicted it would win support from an overwhelming majority of voters.

MEETING OF UC REGENTS

Continued from First Page

and entertainment expenses for "winning and dining" should stop.

However, many regents and UC President Charles J. Hitch, attending his last regents meeting before retiring June 30, disagreed.

"The idea of housing the president and vice president and chancellors in some kind of aristocratic fashion may have been all right when the university (was more separated) from society," Brown said. But, he added, no longer.

The homes, Brown said, are "a symbol of the past" and "not reflective of a democracy."

Several regents told Brown that the president's and chancellors' homes were needed as places where students, faculty members, dignitaries and potential and past donors to the university could be entertained.

"Don't overlook the fact," retorted Brown, who was to find no allies Friday in his ascetic cause, "that the university has alumni buildings, student unions and faculty clubs . . . where people can gather to discuss the university."

Heller, long a political supporter of the governor, said she understood

"Brown's philosophy very well . . . but if you call them (the homes) mansions you are going very far."

(Interestingly, a similar view was offered by the new student regent at a press conference after the meeting.

"I think he (Brown) has a point that the university should not be apart from society, but calling the (homes) lavish mansions is something of an exaggeration," said Mock.)

Brown said the university should set an example of how to get along with less. "We need more conspicuous austerity at the university rather than consumption," he said.

"The governor says we are living in today's world," countered regent DeWitt A. Higgs, "but a part of today's world is competition." UC cannot compete with other institutions, Higgs indicated, for top administrators without good salaries and attractive fringe benefits.

"I'm just suggesting," Brown said, "that adjustments (to this type of thinking) are coming . . . and I would rather see the university at the forefront (of this trend) and not in the rear."

The unanimous selection of Mock, 22, brings to an end a student-led campaign for a student regent which

began last fall after California voters passed Proposition 4. That ballot measure authorized the regents to name a student to the board.

In February, after four months of debate, the regents, with the strong urging of Brown, agreed to add the student member.

A native of Ben Lomond in Santa Cruz County, Mock will be a voting member of the board and will serve a one-year term.

Mock plans to enter UC Berkeley this fall as a graduate student in political science.

At the press conference following her appointment, the new regent listed her priorities as "instructional improvement" at UC and involving more students in the university's policy-making and planning processes.

She described herself as politically "left of center" and said her primary goal was to "make sure I'm not the last student regent."

Following her year's term, regents will have the option of either appointing another student or abolishing the student post.

In another action, Donald C. Swain, vice chancellor for academic affairs at UC Davis, was named to the new post of UC academic vice president.

S. D. S. and Reagan's Regents -- Two of a Kind?

By FRED HECHINGER

New York Times (1857-Current file); Jun 30, 1969; ProQuest Historical Newspapers The New York Times (1851 - 2005)
pg. 38

S. D. S. and Reagan's Regents—Two of a Kind?

By FRED HECHINGER

The Chicago convention of the Students for a Democratic Society and the Berkeley meeting of the Regents of the University of California demonstrated why the administration of universities has become so frustrating. The irrationality of the student revolutionaries as well as of the adult counter-revolutionaries places many university presidents under a state of permanent siege.

The S.D.S. convention proved what most observers, except for incurable romanticists of the youth rebellion, have long known: that the radicals are an antidemocratic force, unwilling to uphold freedom of either press or speech and not interested in honoring any social contract including their own. They are now split between the "moderate" wing, which appears to range from utopian Communism to Maoism, and the radical Worker-Student Alliance of the Progressive Labor party, which even reviles Ho Chi Minh for going to the negotiating table rather than fighting to ultimate victory.

The views of either wing of the S.D.S. are rejected by the overwhelming majority of Americans, including the "working classes" and including, too, the bulk of those who want the war in Vietnam to be brought to a speedy end. Moreover, the S.D.S. has shown little concern for real and much-needed academic changes.

While the S.D.S. was putting on its demonstration of un-

reason, the University of California Regents played out a similar script in Berkeley. They turned down by vote of 16 to 7 a sensible compromise advanced jointly by Charles J. Hitch, president of the entire university system, and Dr. Roger W. Heyns, chancellor of the Berkeley campus.

The details of the Hitch-Heyns plan are of little importance. Suffice it to say that it would have provided facilities for a "user-run" park on a section of that off-campus plot of university-owned land which had led to the earlier battle over the so-called People's Park.

The Autonomy Issue

But it was not the park issue that was now at stake. On trial instead was the theory that able and responsible campus administrators should operate with maximum autonomy. The Regents' vote, under Governor Ronald Reagan's law-and-order whip, gave notice that the Hitch-Heyns role has been reduced to that of proconsuls serving at the pleasure of the Reagan-dominated, politically oriented board.

The implications of this development become clear when it is remembered that, in a similar showdown in 1965 when the Regents tried to dictate to Dr. Clark Kerr (then in Mr. Hitch's post) how he was to deal with student violators, Dr. Kerr resigned. He did so, not because he did not think the students should be disciplined, but because he refused to accept the Regents' interference

with campus independence. The Regents rescinded their demand and Dr. Kerr withdrew his resignation. (He was subsequently dismissed during the first board meeting under the Reagan regime for his unwillingness to accept what he considered a budget inadequate to maintain academic excellence.)

Why could not a Hitch-Heyns resignation today have the same effect? The answer is simply that in the pre-Reagan days of Clark Kerr the Regents, despite occasional political lapses, were predominantly concerned with the goal of making the state's university system the pride of American higher education. Berkeley was then being named in virtually the same breath with Harvard, and to sacrifice the university president who had brought this about seemed inconceivable to the majority of Regents, even when they were angry at him.

Threat of Political Control

Dr. Heyns, who said after last week's meeting that he was "sick and tired of being hemmed in," may indeed resign before these battles are over, but both he and Mr. Hitch are realistically aware that Reagan's Regents—the majority whom the Governor controls—could not care less. They would probably consider it a victory.

Not unlike the S.D.S., some of these politically oriented men seem to see the independence and nonpolitical autonomy of the university as a liberal myth, not as a principle to be de-

fended. Unless the university voluntarily buckles under, it must be brought to heel. In the long run, however, the power plays of Reagan's Regents are harder to arrest than those of the S.D.S.

Fortunately, at this point, the California Regents as well as the S.D.S. constitute a minority in their respective spheres of academic interest. The danger is in the contagion of their victories. Each of their successes emboldens others who want to undermine the self-governing campus community. Unwillingness on the part of the majority of students and faculty members—and the voting public—to meet this danger has made shaky and frustrating the position of university administrators who recognize the dangers all too clearly.

The test, in dealing with student revolutionaries, has in recent weeks begun to be met with a variety of disciplinary and legal actions. The test whether such counter-revolutionary actions as in Berkeley can be successfully opposed, may, in the end, require another form of escalation. If the resignation by a responsible chief executive will gain nothing, and may actually lose much, will only mass resignations eventually alert the public to the question whether political or academic leaders are better able to give the people the universities they need?

FRED HECHINGER is Education Editor of *The Times*.

Court Blocks UC Red Firings

Court Bars UC Regents From Ousting Communist Employees

BY KENNETH REICH
Times Staff Writer

The UC Board of Regents' 29-year-old policy against employing Communists at the University of California was declared unconstitutional in Los Angeles Superior Court Monday.

Judge Jerry Pacht, in a strongly worded verbal opinion on the Angela Davis case, said the regents' policy barring persons on the sole ground of membership in the Communist Party "constitutes a constitutional impermissibility and must be enjoined."

The policy was adopted in 1940 and reaffirmed in 1949, 1950 and this year.

To uphold it, the judge said, would be to recognize the regents "as a kind of political elite entitled to decide whose views are acceptable" and would be "anathema" in a free society.

Pacht specifically enjoined the regents from spending any more tax revenues in an effort to oust Miss Davis, an assistant philosophy professor at UCLA, from her teaching post because she is a Communist.

Attorneys for the regents indicated later that Pacht's ruling would be appealed to a higher court, and one source close to the regents said there was a possibility that "injunctive relief" would be sought against the ruling.

Pacht's verbal opinion left the status of Miss Davis—particularly as to the ban on her teaching courses for credit—somewhat cloudy. The regents had issued a supplementary order Oct. 3 against teaching by her for credit, pending the dismissal proceedings against her.

But it was learned that the judge told attorneys at an afternoon conference that he would issue a written order, probably today, that would invalidate the regents' actions of both Oct. 3 and Sept. 19, when they instituted dismissal proceedings against Miss Davis.

This, knowledgeable sources said, would open the way for the UCLA administration to designate Miss

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Court Bars Dismissal of Reds by Regents

Continued from First Page
and constituted one of Miss Davis' administrative remedies against the dismissal proceedings which have now been invalidated.

Judge Pacht's verbal opinion came after a two-hour hearing in his court on a UCLA faculty-sponsored taxpayers' suit against the regents' actions in the Davis case.

Judge Pacht was assigned the case after the regents' attorneys had filed an affidavit of prejudice on the originally assigned judge, Robert W. Kenny.

Pacht, who has a liberal reputation on the bench, repeatedly tore into the arguments of two of the regents' attorneys, Donald L. Reidhaar and Warren S. Levin.

At one point, he described as "terrifying" arguments by Reidhaar that the mere fact that Miss Davis was a Communist Party member disqualified her from teaching at UCLA.

"This argument were carried through to its logical extension, the judge said, it would mean that the regents would have the power to decide that membership in other organizations could—without reference to any unlawful acts committed—disqualify a person from employment."

This, he said, could be done to members of any party out of power.

One by one, the judge rejected the arguments and motions of Reidhaar and Levin.

He denied their motion for a change of venue to Alameda County. He rejected their contention that the plaintiffs should have appealed to the regents before coming to court.

And, after ascertaining that they could cite no court decisions to back their point of view, Pacht denied their request that they be allowed to submit additional briefs before he ruled.

In his verbal opinion, Pacht said that he believed that if the courts failed to enjoin the regents in the Davis case it would be tantamount to determining that they had a right to make political tests in employing faculty members.

He cited the regents' resolution of June 30 that

employing Miss Davis, but only on the constitutional questions involved.

It was in the best public interest, the judge added, that the controversy be resolved at an early date "and in the courthouse, not in the street."

Within a matter of hours, comment on the judge's decision came from throughout the state.

Max Rafferty, the state superintendent of public instruction, and Assembly Speaker Robert T. Monagan criticized it, while Assembly Minority Leader Jess Unruh and former Gov. Edmund G. Brown felt it was legally correct.

UCLA Chancellor Charles E. Young, who had backed what he re-

garded as Miss Davis' constitutional right to teach, relayed word that he would make no statement.

But UCLA Philosophy Department Chairman Donald Kalish, who was instrumental in hiring Miss Davis last spring called the Pacht decision "terrific."

Miss Davis, who showed

up about 15 minutes late to lecture her 3 p.m. noncredit class, first declined to make any state-

ment because she said she was uncertain exactly what the judge had ruled. **Please Turn to Pg. 21, Col. 1**

REGENTS RULING

Continued from 20th Page

But later, as she walked back to her office after class with some friends, the 25-year-old black professor told them:

"It was obvious all the time that it (the regents' ban on Communists) was unconstitutional. Everyone, I think even the regents, knew it."

UC Regent John E. Canaday, who was among those who had sought Miss Davis' ouster, declared:

"Certainly this is not a final judicial determination in the case. I assume that no matter what the verdict had been in the lower court, that it would be carried by whichever side lost to the next higher court, and all the way to the U.S. Supreme Court."

The two regents who had voted to oppose the regental majority in seeking to dismiss Miss Davis Sept. 19 — Frederick G. Dutton and William M. Roth—both said they had expected the court decision.

Monday in court, the regents' attorneys took basically the same position they had taken before the hearing of the faculty committee, the Academic Senate's Privilege and Tenure committee, Friday.

They asked that they be permitted to bring in expert testimony to the effect that membership in the Communist Party committed a person to party discipline and rendered them unable to teach in a free way in the classroom.

But Judge Pacht said

affiliations.

"We feel that there should be a complete trial of the important constitutional issues raised by this case," he said.

"Because today's decision precludes such a trial, my office will take all appropriate steps to bring about a reversal of that decision."

Cunningham's office has 30 days to appeal the Pacht decision to the State

Court of Appeal, the first step of a long process which is likely to end eventually with the case going to the U.S. Supreme Court.

The taxpayers suit acted upon by Pacht involves three faculty and two student plaintiffs. It is officially sponsored by the UCLA faculty, which voted recently to condemn the regents' actions against Miss Davis and to

rescind their endorsement of the ban on Communists.

The attorneys for the plaintiffs, Charles H. Phillips and Richard H. Borow of Century City, had filed a motion for summary judgment. It was this motion that was granted by Pacht Monday.

In the afternoon conference, the judge also indicated readiness to grant a motion for further specifics by Miss Davis' attorney,

John T. McTernan, but the wording of this order may not be finally settled for a few days, it was indicated.

The UCLA Academic Senate voted unanimously Monday afternoon to ex-

press "deep appreciation" to Phillips and Borow for taking their suit without regular fee. The faculty, however, will pay the attorneys their out-of-pocket costs.

Tuition Rise at U. of California Fails First Test Before Regents

Special to The New York Times

LOS ANGELES, Jan. 16—A proposal to raise tuition at the University of California failed today to gain the necessary support at a meeting of the Board of Regents and was put over for consideration at their next meeting Feb. 19 and 20 in San Francisco.

would go to \$120 a quarter, or \$360 a year for undergraduates, and \$150 a quarter, or \$750 a year for graduate students. Mr. Reagan said he hoped that these fees would be used to meet in part the related support costs of students.

The plan submitted by the university president, Charles J. Hitch, recommended \$480 in tuition next year and \$660 in 1971-72 for California residents. He also urged raising nonresident fees to \$1,860 in two years.

Regent Frederick G. Dutton said that he would offer other proposals at the next meeting but he also believed that parents of students making less than \$13,500 a year should not be charged additional fees.

The plan ran into opposition from Gov. Ronald Reagan and the minority leader of the Assembly, Jesse Unruh. Mr. Reagan said he believed that there should be further study of fundraising measures before making any decision. Mr. Unruh earlier told a student audience at U.C.L.A. that the tuition fee "would shut the doors on education to the sons and daughters of thousands of middle-income families."

Students already pay \$300 in fees plus other expenses and passage of a tuition plan would almost surely be imposed upon the 19-campus state college system.

Governor Reagan's proposal today urged raising fees \$60 a quarter, or \$180 a year for undergraduates, and \$75 a quarter, or \$225 a year for graduate students, beginning in 1970-71. In the second year these fees

Mr. Hitch had hoped that of the \$18.6-million of tuition revenue generated the first year, half would go for new buildings to accommodate increased enrollment. Failure of the 1968 construction bond issue, as well as the inability to sell bonds already authorized, has severely curtailed campus construction. A number of campuses have been forced to deny entrance to qualified students.

Mr. Unruh favors withholding state income taxes as an obvious method of raising money and keeping the university open to all students.

In The Nation: Punishing the University

By TOM WICKER

New York Times (1857-Current file); Feb 15, 1970;

ProQuest Historical Newspapers The New York Times (1851 - 2006)

pg. 167



"I don't hear a thing, do you?"

Pub in The Philadelphia Inquirer

In The Nation: Punishing the University

By TOM WICKER

WASHINGTON—As a target for immigration from all the rest of the nation, and thus as a sort of cross-section of the whole, California often has been the state in which significant social developments first took form. That is why the rest of the country ought to watch with interest the showdown expected this week on California's "tuition issue."

At present, California students at any of the nine units of the state university do not pay tuition (a charge for instruction or use of classrooms) but only a \$300 annual fee for health services, laboratory costs, student activities and the like. The University of California is unique, in this regard, among great American educational institutions.

On Feb. 20, however, as the climax of a long struggle, it appears most likely that Gov. Ronald Reagan will muster a majority of the Board of Regents for levying an annual per-pupil tuition charge of \$360, the multi-million-dollar proceeds of which will not even be earmarked for the university, but which will be paid into the California general fund. University President Charles Hitch is supporting a compromise plan that would dedicate the tuition funds to university building projects and to student aid.

But since neither Mr. Hitch nor Fred Dutton, a Regent who is opposed to any tuition

charge, can put together a majority of the board, some of those who have backed Mr. Hitch are expected to switch to Governor Reagan's support this week. They want to settle the tuition issue before the Governor can inject it into his campaign for re-election.

With educational costs everywhere going out of sight, one might have thought Californians would be fighting tooth and fang to hang on to free higher education for their children. But that is not happening.

Public Disappointment

There appear to be a number of reasons why. Hard-pressed real estate and income tax payers believe the rising cost of higher education is a major part of their burden. Student disorders—for which the campus at Berkeley is almost a symbol—coming on top of the tax burden have spread the notion that students themselves should pay for the full cost of their education. If students have to work to pay tuition, many Californians seem to believe, they won't have time to smoke pot, make love or demonstrate. Above all, however, sensitive observers in California sense a certain public disappointment with the very idea of the university and of higher education itself.

Historically, it has been widely believed—in California as elsewhere in America—that education was the gateway to the good life, the first necessity for aspiring young men

and women; and that idea found its way into public policy with the Land-Grant College Act passed during the Civil War. Now there seems to have developed and found expression in the California tuition issue the fear and suspicion that the university is an alien and undisciplined place that stirs up trouble, fosters unwelcome social change, and functions less as an institution of sound practical instruction in earning a living (what Chancellor Charles E. Young of the University of Los Angeles calls "a high-level trade school") than as a center of intellectualism, ideology and snobbery.

This seems not so much anti-intellectualism in the usual sense as a sort of antiuniversityism, which—since it is surfacing in the harbinger state of California—may be something of a new American phenomenon. And the excruciating irony is that the low-to-middle income groups that in California seem the most angered by the university will in the long run suffer the worst consequences of their own attitude.

Burdening Students

Just when a majority of the children of such groups are, for the first time, beginning to seek higher education, not only California but a number of other states are seeking to put more of the cost burden directly on the student and his family. In California, already, no knowledgeable politician doubts that when the Regents

impose tuition on the university, the Legislature will impose it on the state and community colleges. Even if Mr. Hitch's plan to use some of the tuition funds for student aid were approved, the new charge would increase, not reduce, the over-all need for such aid. And about two-thirds of the university's present students already are working to pay part or all of their education and living costs.

Thus, higher tuition will most likely mean more middle-to-upper-income students in the university, and fewer lower-income students (and it happens to be the former who do most of the demonstrating, as every study shows). If California, which ranks only thirtieth among the states in per-capita support of public higher education, is any example, there's not even much of a tax break involved. Mr. Dutton argues that the average California taxpaying family contributes about \$4 monthly for this purpose, and might be relieved of perhaps fifteen cents of that sum by tuition.

In fact, imposing tuition in California, or sharply raising it at other state universities, will only shift to the student and his family a greater proportion of the educational cost burden now paid by corporation and business taxes as well as by individual taxes. That is a high price to pay for the pleasure of punishing the university.

DAY IN SACRAMENTO

By Associated Press

Monday, Feb. 2 THE ASSEMBLY

Constitutional Amendments Introduced

Regents — Adds two students, two faculty members and one alumnus to University of California Regents for one-year terms and reduces terms of appointed Regents from 16 years to nine years; ACA28, Vasconcellos (D-San Jose).

Trustees — Extends term of state college trustees from eight years to nine years; ACA27, Vasconcellos.

Bills Introduced

Trustees — Adds student and faculty representatives to state college board of trustees; AB 492, Vasconcellos.

Pollution — Extends Bay Area Air Pollution Control District to Napa, Solano and Sonoma counties; AB 470, Knox (D-Richmond). Authorizes Bay Area Air Pollution Control District to register and collect fees on nonvehicular sources of air pollution; AB 477, Knox. Eliminates ceiling on assessments Bay Area Air Pollution Control District charges to counties in district; AB 478, Knox.

Radar — Appropriates \$10,000 for trial radar program by California Highway Patrol; AB 474, Ketchum (R-Paso Robles).

Citrus — Extends March 1, 1970, deadline for compensation for citrus trees infected with "quick decline" to March 1, 1975; AB 483, Duffy (R-Hanford).

Consumers — Gives purchasers three days to cancel home solicitation sales contract; AB 482 Fenton (D-Montebello).

Billboards — Prohibits outdoor advertising signs adjacent to landscaped freeways; AB 481, Schabarum (R-Covina).

Cotton — Extends Cotton Abatement District Act until 1974; AB 495, Veysey (R-Brawley).

Defender — Creates office of state public defender; AB 497, Hayes (R-Long Beach).

Drugs — Excludes persons convicted of misdemeanor possession of marijuana from requirement to register as narcotics offender; AB 515, Sieroty, (D-Beverly Hills). Makes possession of marijuana a misdemeanor under certain conditions; AB 514, Sieroty. Eases requirements of hospitals to report drug injuries; AB 516, Sieroty.

Resolutions Introduced

Impeachment — Calls for the impeachment of Superior Court Judge Gerald S. Charvin of San Jose; HR 25, Garcia (D-Los Angeles).

Salton Sea — Asks federal government to make feasibility level studies of Salton Sea; AJR 10, Veysey.

Sulphur — Asks the President to permit continued importation of low sulphur fuel oil without high tariff; AJR 11, Schabarum.

THE SENATE

Bills Introduced

Reading — Increases support for the Miller-Unruh Basic Reading Program by \$24 million; SB 261, Rodda (D-Sacramento).

Licenses — Allows state to issue personalized license plates with additional fees used for an environmental protection fund, SB 262, Marks (R-San Francisco).

Testing — Prohibits students from being required to take part in classes where they may be required to explain or defend parents' beliefs or practices in regard to sex, morality or religion; SB 264, Schnitz (R-Tustin).

Floods — Directs State Reclamation Board to set and enforce standards for flood control works and requires the board to give full consideration in such standards to fish and wildlife, recreation and environmental factors; SB 268, Cologne (R-Indio).

Ski — Allows counties to levy tax on use of ski lifts where tourists increase snow removal and road maintenance costs; SB 271, Teale (D-West Point).

Warranties — Spells out obligations of manufacturers and sellers of consumer goods in carrying out warranties; SB 272, Song (D-Monterey Park).

Bridge — Prohibits California Toll Bridge Authority from building a southern crossing of San Francisco Bay prior to statutory authorization for such construction; SB 273, Dolwig (R-Atherton).

Conflict — Changes existing laws regulating conflict-of-interest and financial disclosures of public office holders and candidates; SB 274, Way (R-Exeter).

Delta — Requires the state to operate the proposed Peripheral Canal so it will maintain the same environment in the delta as would have existed in the absence of any pumping of water from the delta; SB 277, Nejedly (R-Walnut Creek).

Resolution Introduced

Camps — Asks Congress to repeal portion of Internal Security Act of 1950 relating to creation of detention camps. SJR 6, Danielson (D-Los Angeles).

UC TUITION OK'D

JOHN DREYFUSS

Los Angeles Times (1886-Current File); Feb 21, 1970;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. 1

UC TUITION OK'D

Regents' Vote Ends 101-Year Policy

Fees Will Begin With Fall Term

BY JOHN DREYFUSS
Times Education Writer

SAN FRANCISCO—Shattering a 101-year-old tradition, the University of California Regents Friday imposed tuition for all students except those in medical, dental and pharmacy schools.

In addition to existing charges, undergraduates will begin paying \$150 per academic year next fall and graduate student tuition will be \$180. The new charges will double the following fall.

UC students already are assessed approximately \$300 annually. There also are individual campus fees ranging from \$15 to \$55.

Total annual student assessments by 1971-72, therefore, will be between \$615 and \$655 for undergraduates, with graduate student fees being \$60 higher.

Imposition of tuition has been an objective of Gov. Reagan since his first year in office.

Among arguments various regents have made supporting tuition are that students should be financially responsible for a share of their own education, that UC needs money quickly and that failure of recent educational bond issues has caused a lack of expected funds.

Agree on Financial Need

The regents approved tuition by a vote of 16 to 6, with one abstention.

They agreed that California residents with "demonstrated financial need" may defer payment of the charges in a manner similar to deferrals permitted for existing National Defense Student loans and regents' loans.

To qualify for those loans, a family may have no more than \$2,150 available for educational purposes.

Students must begin paying regents' loans within six months after graduation, and liquidate them within five years. NDS loans must be repaid within 10 years. Both plans call for a 3% interest charge.

Although the regents agreed to call the new charges an "educational fee," they are equivalent to tuition since there appears to be no intent to use the income for noneducational student services.

All existing student fees are applied to such services, including health centers and student government.

Reagan's campaign for tuition was most vocally opposed Friday by Regent Frederick G. Dutton of Sausalito.

When Reagan proposed a successful motion to lower an earlier tuition plan by \$10 per academic year, Dutton accused him of hypocrisy and of playing "a shell game."

The governor had known before the meeting what figures would be proposed, and his motion to lower

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TUITION

Continued from First Page

Rodda told the regents they raised the question of "the validity of the democratic process" by approving tuition too quickly.

Later in the meeting Reagan, clearly angered by a long series of proposed amendments, most most of which were being proposed by regents opposing tuition, accused the board of "pure stalling"

He said there had been at least two years of discussion about tuition. Other regents, however, noted that while various forms of tuition had been discussed over the years, the proposal before the board was new.

Student representatives spoke against the increased charges, urging postponement of a decision until the issue could be put before the people, perhaps through public hearings throughout the state.

About 20 students demonstrated peacefully against tuition before the meeting began at UC Extension Center. Some 75 of the 180 persons attending the session were students. They made no attempt to disrupt the meeting.

UC President Charles J. Hitch voted against tuition, stating that the plan eventually adopted made no commitment for student aid to help those who could not afford the new charges.

Hitch last month proposed a tuition plan with charges similar to those approved, but designating half the money for student aid and half for construction.

Assembly Speaker Robert Monagan (R-Tracy), who is an ex officio regent, proposed a successful amendment directing Hitch to present a plan at the March regents' meeting for securing student aid funds "from whatever sources are deemed advisable."

The regents are expected to discuss the possibility of tuition for the schools of medicine, dentistry and pharmacy at a future meeting. Those schools were excluded from the new plan because their students already pay tuition ranging from \$200 to \$250.

Besides Reagan, the following regents voted in favor of tuition:

Lt. Gov. Ed. Reinecke, Assembly Speaker Robert T. Monagan (R-Tracy), Allan Grant, Joseph A. Moore, Wendell W. Witter, Philip L. Boyd, W. Glenn Campbell, John E. Canaday, Edward W. Carter, Mrs. Randolph A. Hearst, Edwin W. Pauley, Robert O. Reynolds, William French Smith, Dean A. Watkins and Dewitt A. Higgs, board chairman.

Regents voting no, besides Hitch, were William K. Coblentz, Dutton, William E. Forbes, William M. Roth and Norton Simon.

Mrs. Edward H. Heller abstained and State Superintendent of Public Instruction Max Rafferty was absent.

Senate Rejects Plan to Cut Regent Terms

Exclusive to The Times from
a Staff Writer

SACRAMENTO — A proposed constitutional amendment asking voters to approve shortening University of California regents terms from 16 to 12 years was rejected Monday by the Senate.

A 25-8 vote fell two short of the required two-thirds majority required on the ballot measure, authored by Sen. H. L. Richardson (R-Arcadia), who said he may seek reconsideration later.

The amendment also would have instituted Senate confirmation for regental appointments, which are made by the governor.

Bill Approved

Richardson claimed that reducing the length of the term and requiring confirmation would make UC regents more responsive to the wishes of the public.

Opponents argued that the present system has worked well in spite of campus unrest problems.

In other action, the Senate by a 29-0 vote approved a bill by Sen. James E. Whetmore (R-Fullerton) designed to help prevent some of the vote-counting difficulties experienced in the June primary election.

Whetmore's measure provides voting officials would have 59 rather than 44 days in which to get the sample ballots and actual ballots ready.

In Los Angeles County, with its almost 3 million ballots, he said arrangement of voting booklets in proper order is virtually impossible in the time presently allowed.

This legislation now goes to the Assembly for further consideration.

The Regents Fiddle While UC Burns

BY ROWLAND EVANS and ROBERT NOVAK

SAN FRANCISCO — At the moment that student vigilantes were trampling on academic freedom at the famous Berkeley campus of the University of California, the university's regents were engaging in a political charade which vividly demonstrated the crisis of liberal education in America.

The 24-member Board of Regents was meeting in San Francisco in an atmosphere of crisis. Like other major colleges, the giant University of California had been in turmoil since the Kent State killings. Hence, the chancellors of the university's nine campuses were asked to report publicly at the regents' meeting.

Roger W. Heyns, the Berkeley chancellor, delivered a glowing report of a new spirit at his troubled campus. He described students channelling anti-Cambodian protests into constructive means with academic principles safeguarded. In fact, neither Heyns' account nor similarly euphoric reports from the other eight chancellors bore any

resemblance to what we had observed at Berkeley and described in an earlier column: the academic program being transformed into a radical political forum, classrooms invaded by student hooligans, students and teachers being coerced by radicals into abandoning regular classes.

Nevertheless, neither Gov. Ronald Reagan (ex-officio president of the regents) nor the conservative majority of the regents took issue with the chancellors during the public session. One conservative regent, Dean A. Watkins of Palo Alto, did ask Heyns to specify "modifications" in regular class work at Berkeley. When Heyns replied he could not give a precise answer, Watkins did not press the point.

However, when the regents moved into closed-door session, the chancellors were subjected to closer interrogation. "I think we've been getting a whitewash," regent Watkins snapped.

Once again, Heyns and the other chancellors assured the regents that all was well. Watkins and other conservative regents replied that they had gotten first-hand reports of the educational process being disrupted, particularly at Berkeley. When university officials then asked for names, places, and dates, the regents were — not surprisingly — unable to immediately provide such an investigative dossier. Unsatisfied though they were, the conservative regents said no more.

The immediate explanation for the papering-over of this crisis is that the conservatives have their minds on other things, namely, whether avowed Communist Angela Davis should be rehired on the university's Los Angeles faculty. In closed-door session that day marked by table-pounding and shouting, the Reagan majority of regents voted to seize responsibility for the Davis case from the UCLA administration.

That the regents should give priority to such a headline-catching but essentially trivial issue while their university is being destroyed poses doubts about how helpful a political institution can be in saving higher education.

Moreover, even though conservative regents say they will press during their June meeting to find out what's really happening on the campus, they themselves are skeptical whether it will do much good. "We depend on information from the administration," one conservative re-

gent told us. "What are we supposed to do? Station our own investigators on campus?"

Thus, when the administration decides to give the regents a laundered version of the facts, the regents are immobilized. Beyond that, some of the minority of faculty members fighting the radical assault on the university suspect that Reagan and his regents, hard-liners against violence, are considerably less concerned about the present non-violent attack on academic freedom by the radicals.

In California, particularly, the regents have become so entwined in political controversy during the Reagan Administration that they are ill-equipped to defend higher education. The board's liberal minority is unable to stand up for academic freedom because of its inflexible "pro-student" position.

Accordingly, liberal regent Frederick G. Dutton, the ex-Kennedy political operative, at that meeting endorsed the student demand for a

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See full page image or
microfilm.

"EXAMS! What kind of a place are you running here, anyway?"

free week in the autumn to do political campaigning — another step in totally politicizing the university.

With the administration unwilling and the regents unable to defend academic freedom, few faculty members here seem committed enough to educational traditions to fight for them. That suggests non-politicized education will henceforth be limited to those few small private colleges with self-confident faculties and that great state universities such as California's will be instruments of political agitation, a tragedy of unfathomable implications for the nation.

California Regents Drop Communist From Faculty

By WALLACE TURNER
 Special to The New York Times

LOS ANGELES, June 19—The University of California's Board of Regents dismissed a Negro assistant professor of philosophy from the Los Angeles faculty today. The board said it moved because of statements she had made in four off-campus speeches.

Supporters of the teacher argued that Angela Davis, 26 years old, was dismissed because she acknowledged that she was a member of the Communist party. Miss Davis has argued that she was let go because of her race. One regent who voted to retain her on the faculty said he expected Miss Davis to file suit against the board.

The speeches used by the regents as their reason for acting were made last fall when Miss Davis reacted after being told that she had been discharged from her \$10,000-a-year post at U.C.L.A. She sued and the state courts set aside the first dismissal.

The regents said they accepted an investigating committee's findings that Miss Davis had not attempted to indoctrinate students with her Communist beliefs and that her out-of-school commitments had not interfered with her teaching duties.

'Inflammatory Rhetoric'

The committee's report focused on statements she had made in the four off-campus speeches, which the regents said were characterized by "inflammatory rhetoric."

"We deem particularly offensive," the report said, "such utterances as her statement that the regents 'killed, brutalized [and] murdered' the People's Park demonstrators, and her repeated characterization of the police as 'pigs.'"

The committee said that Miss Davis seemed to see academic freedom as "an empty concept which professors used to guarantee their right to work undisturbed by the real world."

The committee said that Miss Davis had not hesitated to at-



Associated Press

Angela Davis picketing outside the State Building in Los Angeles yesterday. The placard refers to three Negro inmates accused of killing guard at state prison in Soledad.

tack the motives, methods and conclusions of those with whom she disagreed and accused her of being "less than fair in her characterization of the views of fellow scholars." Miss Davis was not available for comment.

The action taken in the 15-to-6 vote was to refuse to rehire Miss Davis. The regents thus overruled the U.C.L.A. Chancellor, Charles E. Young, who had planned to rehire her on the strong recommendation of faculty committees who had praised her work.

History of the Case

The Davis case erupted last fall when an undercover agent on the Los Angeles campus wrote in The Daily Bruin, the campus newspaper, his justification for reporting on campus affairs to the Federal Bureau of Investigation. Among other things, he said that one faculty

member was a Communist. Miss Davis subsequently identified herself as a member of the Communist party.

The regents then dismissed her, effective Sept. 30, denying that any racial reason was involved. They said the only reason was Miss Davis's Communist affiliation.

In October, a Superior Court judge in Los Angeles ruled that Miss Davis could not be discharged for being a Communist. She went back to the classroom. In May, Chancellor Young indicated to the regents that he intended to rehire Miss Davis for next year.

A special committee of regents has met privately for the last three weeks to draw up the specifications voted today for removing Miss Davis from the faculty.

The issue is particularly vola-

tile among the U.C.L.A. faculty, where numerous votes have supported Miss Davis on the ground of academic freedom. A petition supporting her and attacking the regents has been signed by about 1,100 of the 1,800 faculty members.

Frederick Dutton, a regent who voted against the dismissal of Miss Davis, said she "surely is no threat to our state or country." He accused the regents of dismissing her for Communist party membership but calling it something else for fear that the courts would overrule them.

A regent-designate, Christian E. Markey Jr., who did not vote, said that, while he would have voted not to rehire Miss Davis, he opposed the idea of discharging her for speeches she gave after the regents' first attempt to remove her from the faculty.

Included among the regents who voted to oust Miss Davis was Gov. Ronald Reagan. Included among those who opposed the move was Charles J. Hitch, president of the University of California.

Political Interference by the Regents

ISSUE: Can the implicit threat involved in the vote to delay promotions of two teachers be justified by law or precedent?

Last week the UC Board of Regents voted to delay the promotions of two professors associated with left-wing causes. Reasons for this action were left unstated. But given the fact that the two men are rated highly as teachers and scholars by their superiors and colleagues, there can be no doubt that political considerations were paramount in the regents' move.

By their vote the conservative majority of the regents apparently intended to warn university radicals and other dissidents that punitive steps could and would be taken if they follow unpopular political courses.

A little more than a year ago the regents took back into their own hands the authority over tenure appointments and promotions they had earlier delegated to the chancellors of the various campuses. They had, legally, every right to do so and they have the right to exercise the authority they have reclaimed. But in exercising this authority they also have the obligation to act only on the basis of recognized and stated cause.

Political belief is not an acceptable basis for denying employment or promotion, a fundamental principle reaffirmed only last year by the regents themselves. It is, in

fact, more than a principle; it is also law. The California Constitution prohibits the application of political influence in the administration of the university's affairs. This prohibition is echoed in the by-laws of the university which the regents are pledged to follow.

The regents' action so far constitutes a threat rather than a final action. Even so the crude if still implicit violation of the principle involved is serious enough to cause alarm among all who believe in a university independent of political interference.

Its impact on the campuses is predictable if not yet measurable.

At the very least it threatens to undercut the important efforts by responsible groups, such as UCLA's Committee for the University of the Future, to rally the moderate faculty majority against radical elements. In seemingly confirming the worst fears of political interference that have often been voiced, it plays directly into the hands of the militant radicals.

The shortsighted action by the regents can only be seen as a clumsy attempt to pacify the campuses by coercion. Its result may well prove to be the opposite. Far worse for the moment, however, is the arrogant abuse of power inherent in what the regents did: the scorn for law, for precedent, and for a basic sensitivity to what their action portends.

Regent Denies Politics Delays UC Promotions

BY WILLIAM TROMBLEY
Times Education Writer

One member of the University of California Board of Regents responsible for blocking the promotions of two liberal-to-left UC professors at last week's board meeting denied Thursday that he acted for political reasons.

"I requested that they (the promotions) be held up for perfectly good reasons," Dr. W. Glenn Campbell, director of the Hoover Institution at Stanford University, said in an interview.

"I want to see the professors' scholarly achievements and I want to see the evaluations," said Campbell, who was appointed to the board in 1968 by Gov. Reagan.

The professors whose promotions were deferred are David B. Kaplan, 36, associate professor of philosophy at UCLA, and Reginald E. Zelnik, 34, assistant professor of history at UC Berkeley. Both have been active in liberal or radical political causes.

Explains His Position

Asked why he picked these two professors out of a list of more than 20 names, Campbell replied: "I have a public trust to fulfill. I have an obligation to satisfy myself as to the worth of every person proposed . . . I simply want to find out—do they measure up?"

Campbell said the "big to-do" about the deferrals "confirms in my own mind what I have long suspected—namely, that the University of California system is already highly politicized."

He said it was "extremely regrettable that certain regents . . . rushed out of the meeting and told all this to the press . . . and caused all the embarrassment they have to the two professors in question."

According to reliable accounts of the closed-door discussions, Campbell was joined in his request for postponement by Dr. John H. Lawrence, a retired member of the Berkeley faculty, and Mrs. Catherine Hearst.

These regents first asked for a two-month delay on Kaplan and Zelnik, but a compromise engineered

by regents Edward W. Carter and William French Smith—presiding over his first meeting as newly elected board chairman—gave them 15 days.

If four or more regents ask for a further delay within the 15-day period, both promotions will be put over for a discussion at the September regents' meeting. (The board does not meet in August.)

Otherwise, when the 15-day period ends on Aug. 6, UC President Charles J. Hitch will inform the chancellors of the Berkeley and UCLA campuses that the promotions are approved.

Dr. Angus Taylor, vice president for academic affairs, said "curriculum vitae" on Kaplan and Zelnik were mailed to all 24 regents Tuesday.

Personnel Records

These include educational history, employment record, honors and recognitions, a list of published articles and books, a record of university service and the names of scholars in other universities who were asked to comment on the work of the two, Taylor said.

Whether this listing of largely biographical material will satisfy Campbell's request for "evaluations" remains to be seen.

Although Campbell insisted he did not act out of political motives in the Kaplan and Zelnik cases, he said he has long thought there was a need for "balancing the faculty" by bringing in more professors with conservative points of view.

Lawrence also has complained that left wingers control important faculty committees and, therefore, hiring policies at UC Berkeley.

"We don't have a democratic voice for the faculty at Berkeley," Lawrence said at a meeting of the regents' Educational Policy Committee last week. "It's the activist we have to vote for . . . they (faculty members seeking committee posts) are all too far to the left."

However, Hitch said the

Budget Committee, final faculty authority on personnel matters on the

Berkeley campus, is "a pretty stalwart conservative group."

DAY IN SACRAMENTO

By Associated Press

THE GOVERNOR

Bill Signed

Water—Specifies that no person shall be excused from testifying before the State Water Resources Control Board on grounds that his testimony may tend to incriminate him or subject him to any penalty. Specifies that no person shall be criminally prosecuted or be subject to any criminal penalty because of testimony before the board; AB 1242, Porter (D-Compton).

THE ASSEMBLY

Bills Passed

Smog—Provides \$9.2 million for smog research; SB 848, Cologne (R-Indio).

Population—Provides \$50,000 for study of effects of population growth on environmental quality; SB 186, Nejedly (R-Walnut Creek).

Pickets—Makes it misdemeanor to picket in or near courthouse with intent to influence judge, jury or witnesses; SB 1416, Grunsky (R-Watsonville).

Sex—Orders University of California Regents to review hiring and promotion policies to eliminate discrimination on basis of sex; SB 1203, Dymally (D-Los Angeles).

Indians—Creates American Indian Education Council and an Indian education bureau in State Education Department; SB 872, Rodda (D-Sacramento).

Open space—Specifies state may pay local governments for lost revenue from property tax breaks for agricultural land put under open space act; AB 626, Stiern (D-Bakers-

field).

Highways—Revises the formula for splitting Highway Fund expenditures between northern counties and southern counties from present 45% for the north and 55% for the south to 40% and 60% respectively; SB 85, Mills (D-San Diego).

THE SENATE

Bills Passed

Fetuses—Makes it murder to intentionally cause the death of an unborn human fetus, except for medical or emergency reasons; AB 816, Biddle (R-Riverside).

Discrimination — Forbids job discrimination against women in California based on sex; AB 22, Warren (D-Los Angeles).

Welfare — Increases basic grant to welfare families with dependent children for the first time since 1957, passes along \$7.50 in increased Social Security, added benefits to some aged, blind and disabled aid recipients and makes other changes regarding welfare abuses and cuts in certain health and dental services; AB 1360, Duffy (R-Hanford).

Bill Defeated

Defender — Would have created the appointive post of statewide public defender to provide legal assistance on appeals cases to persons convicted of crimes; to be appointed by the Judicial Council, an arm of the California Bar; AB 497, Hayes (R-Long Beach).

THE LEGISLATURE

Sent to the Governor

Smog—Fines auto manufacturers \$5,000 for every new car sold in state after Jan. 1, 1972, which doesn't meet state smog control standards; AB 1, Biddle (R-Riverside).

Dropouts—Creates school dropout prevention program; SB 992, Teale (D-West Point).

Witnesses—Increases witness fees and mileage fees for witnesses before courts and state boards and commissions; SB 602, Lagomarsino (R-Ojai).

Crescent City — Excuses Crescent City from repaying \$1 million state loan for tidal wave damage after Alaskan earthquake; SB 383, Collier (D-Yreka).

Colleges—Requires Senate two-thirds vote to confirm governor's appointees to the board of trustees of the state colleges; SB 722, Richardson (R-Arcadia).

Savings—Creates industry-financed insurance fund to guarantee savings certificates of industrial loan companies; SB 1290, Sherman (R-Berkeley).

Sex—Orders state college trustees to eliminate hiring and promotion policies which discriminate against women; SB 907, Dymally (D-Los Angeles).

Reagan Denounces 2 Regents as Liars After Angry Debate

SAN FRANCISCO, Oct. 16 (UPI)—Gov. Ronald Reagan got into a shouting match with two members of the University of California Board of Regents today and called one of them “a lying son of a bitch.”

The exchange at the close of a board meeting followed a decision to put over until next month a discussion of a controversial proposal for the enlargement of a planned city near the Irvine campus of the state university system.

One regent, Norton Simon, had asserted that the proposed action would enrich the Irvine Company, owner of the land, by tens of millions of dollars.

After the vote, Frederick G.

Dutton, a Democratic regent and critic of the Governor, said that the delay would smother discussion “until after the election so nobody is embarrassed.”

A few minutes later the regents adjourned. Governor Reagan walked around the table to Mr. Dutton.

Shaking his finger, he said, “You are trying to use this board for politics.”

“But you’ve been doing it, Governor,” said Mr. Simon and Mr. Dutton, almost in unison, as dozens of spectators and regents gathered around.

“You are a lying son of a bitch,” Governor Reagan said, looking toward Mr. Dutton.

“You’ve been doing it and you’ve been caught with your pants down on this one,” retorted Mr. Simon.

At a news conference later, the Governor called Mr. Dutton and Mr. Simon “outright liars.”

PROBE STIRS QUESTION

Regents--UC Deals: Who Benefits Most?

BY NOEL GREENWOOD
Times Education Writer

An investigation into business dealings between the University of California and its regents has so far raised more questions than answers.

The first results of the investigation were put before the Assembly Education Committee at a hearing last week in San Jose.

Further hearings likely will be held and the investigation is continuing, but the central question is already clear:

Have individual regents used their position to persuade the university to enter into business deals that benefit the individual regents more than the university?

A report from the state auditor general's office contained ample suggestions that that indeed has happened. A top university spokesman argued that it hasn't.

Most attention is focused on a \$10.7 million business arrangement between regent Edwin W. Pauley of Los Angeles and five top UC officials, including President Charles J. Hitch.

The auditor general's report suggested that:

—The university, which was supposed to receive a modest cash gift from the deal, may actually have come out a loser.

—Millions in university funds that were invested in a Chicago bank may have been placed there to assure the deal's success.

Tax Law Loophole

The arrangement gave Pauley needed working capital that he may not have otherwise been able to raise, and may have resulted in a tax benefit of more than \$2 million for Pauley.

The investigation is also delving into the joint purchase of a house and Japanese style garden near UCLA by regent Edward W. Carter of Los Angeles and the university, and the involvement of Carter and regent William French Smith with the Irvine Co.

In effect, the Pauley arrangement had its origins in federal tax laws that set a limit on the amount of tax deductions an oil company could claim under the 27½% depletion allowance.

A loophole in the law allowed the oil company to evade the limit under a so-called "carve-out," where the company, through a middleman, negotiated a sizable loan on its potential oil production.

The five UC officials set up a non-profit corporation in 1966 that acted as the middleman for a \$10.7 million loan to Pauley's oil company, Pauley Petroleum Inc., from First National Bank of Chicago.

None Profited Personally

None of the five profited personally from the transaction. And \$24,000 that the corporation has received thus far for playing the middleman role has been given to the university as originally planned.

What has legislators concerned was summed up by Assemblyman Leroy F. Greene (D-Sacramento) during the San Jose hearing.

"The question," Greene said, "is not legality. The question is propriety in regard to the particular people involved."

Treasurer Owsley B. Hammond, the university's spokesman at the hearing, was questioned sharply on this point by committee members, who were not always satisfied with his answers.

After Hammond said the arrangement had the official approval of UC regents, Assemblyman John Stull (R-Leucadia) asked whether any re-

gent had questioned "the ethics involved."

"To my knowledge, that did not come up, sir," Hammond replied.

Committee members reacted indignantly to Hammond's description of the arrangement as "not in any way unusual" and his view that UC "would be remiss in its duty" if it had not entered into the arrangement.

Hammond said several private universities and charitable institutions have benefited in the past from such arrangements with Pauley Petroleum and other oil companies, and Pauley saw no reason why UC should not benefit also.

Corporation Defended

"After careful investigation and discussion," he said, "it was decided the university would be remiss in its duty in not forming (the nonprofit corporation) and thus allowing gift proceeds to go elsewhere rather than to the benefit of the university."

But Assemblyman Stull insisted the arrangement was unusual because it was the first instance of a public institution in California being involved—and with one of its own regents.

The auditor general's report, presented by Walter J. Quinn, audit manager, hit hard at whether the university had indeed benefited at all from the arrangement.

Quinn said UC officials had failed to keep records of what it cost the university in legal and administrative work to carry out the arrangement.

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REGENTS-UC

Continued from Third Page

He said that cost—which has been continuing for four years — could well cancel out the \$24,000 the university has realized from the arrangement.

Hammond's prepared statement said the cost "has not been significant in relation to the size of the gifts." But under repeated questioning, he conceded he had no figures to confirm or deny Quinn's allegation.

"You're still not able to tell us whether you've made a dime?" Assemblyman Greene demanded.

Hammond acknowledged that was so. He said the university attorneys and others had worked on the arrangement along with their other duties—as they do with all gifts to the university.

Hammond denied that the university had invested millions of its own funds in the Chicago bank to guarantee the deal would go through.

Investments Jump

Quinn said that although UC investments in the Chicago bank dated back to 1964, they jumped sharply in 1966 when the Pauley arrangement was made.

In fact, said Quinn, as the loan amount to Pauley — through the middleman corporation — rose, so did the university's investments in the Chicago bank, hitting a peak of \$5.1 million in 1968.

Quinn said that although he has not talked with bank officials, it would be a "good assumption" that the bank required the university to make additional investments as a condition of the loan.

(Questioned by The Times, a bank spokesman said it is "absolutely untrue" that the bank required the UC investments as a condition of the loan.)

"I can perfectly honestly say to you that in the whole process of making these deals I was never once aware that the University of California had any investments in this bank," said Richard L. Evans, the First National vice president who handled the transaction.)

Under questioning, Quinn also said it was not general policy for any public agency in California to make such investments out of the state.

Loss Possible

He added that the university may have lost some money on the investments by placing them with the Chicago bank at a lower rate of interest than they may have earned in a California bank.

Hammond, one of the five UC officials involved in the corporation, also controls the university's investments in his capacity as treasurer.

But he said that to compare UC investments in the Chicago bank with the loan transactions was "to torture the facts," adding:

"I am the regents' investment officer and can tell you not only there was no relationship, but also the possibility of such a relationship did not enter my mind."

Hammond admitted that most UC bank investments are kept in California, but said the Chicago bank happened to be offering higher interest each time UC invested its money there.

He denied the investments were a condition of the loan, saying: "There was no pressure from the bank at all."

It was Quinn who said the deal gave Pauley working capital that he might not have raised otherwise, and that the tax benefit to Pauley could be more than \$2 million.

It was also Quinn who disclosed that the transaction was a \$10.7 million deal, nearly double the \$5.8 million originally reported.

Hammond, in his testimony, noted that changes in the federal tax law have now eliminated the benefit of arrangements like that between Pauley and the five UC officials.

The joint purchase of the house and Japanese-style garden by Carter and the university raises several doubts, Quinn told the hearing.

Carter gave the university \$203,625 in stock. The university sold the stock and used \$178,750 of the proceeds to buy the garden as well as title to the house when Carter dies.

Carter, in the meantime, paid \$75,000 for the house.

Quinn said Carter enjoyed tax benefits from the deal, and has nearly exclusive use of the garden which is being maintained at university expense.

He added that because of the costs incurred by the university, there is doubt as to whether the university will be financially ahead when it finally gets total control of the property.

Use Questioned

Quinn also said there are questions as to how much use UCLA gets out of the garden.

Hammond, the UC treasurer, was unable to say how much the university is spending to maintain the garden nor to what extent it is being used for UCLA classes or social functions.

But he said it is "probably the greatest garden of its type in the world," and declared: "I do know that the garden is useful for teaching purposes."

He gave landscape gardening classes as an example.

Relations between individual regents and the Irvine Co. have been severely criticized by Regent Norton Simon.

Conflict Possible

But the auditor general's report only said that the possibility of conflict of interest could exist in the future for two regents, Carter and Smith.

Carter is a member of the Irvine Foundation, which has controlling interest in the Irvine Co. Smith is a partner in the law firm which represents Irvine Co. interests.

Their connections with Irvine Co. have been criticized because the UC Irvine campus figures importantly in the Irvine Co.'s vast Orange County development.

Said Quinn in his report: "The question concerning the future development of the Irvine Co. land, where changes in the original master plan might occur, would require the university regents' approval."

"In the case of Regents Carter and Smith, it appears that a conflict of interest could occur."

Hammond said "there seems to be no possibility or question of conflict of interest."

He described the Irvine Foundation as "a charitable trust in which he (Carter) could not possibly have any personal interest."

As to Smith, Hammond said he "has scrupulously avoided taking part in the discussion of or voting on any matters concerning the regents and the Irvine Co."

Keep Politics Out of Education

The Speaker of the Assembly is, under the constitution, an ex-officio member of the Board of Regents of the University of California. By statutory law, he also sits with the State Board of College Trustees. But he is not permitted to vote or otherwise participate in formal proceedings of the trustees.

Proposition 7 would amend the constitution to give the Speaker the same right to a voice and vote on the college board that he now enjoys as an ex-officio regent.

The lieutenant governor, who is presiding officer of the Senate, has voting rights on both boards, thus proponents contend the measure is necessary to achieve equity for the presiding officer of the Assembly.

Proposition 7 is, however, a step in the wrong direction. The thrust should be toward reducing, rather than increasing, the number of ex-officio political members on both boards.

A Constitution Revision Commission staff report early in 1969 pointed to the danger of political interference in having elected state officials (governor, lieutenant governor, Assembly speaker and superintendent of public instruction) on the board of regents. The commission report warned of the danger that the best interests of the university might become subordinate to political interests.

Later that year the education committee of the commission voted to eliminate all ex-officio regents except the president of

the university. The Times observed editorially then that "some ex-officio members have used board meetings as political platforms—to the detriment of a great institution."

Unfortunately, the whole commission's final recommendation called only for elimination of two non-office-holding ex-officio regents.

The Times believes the 1971 Legislature should reduce the number of elected officials on both the Board of Regents and the Board of College Trustees.

Consonant with that view, we recommend a NO vote on Proposition 7.

Students' Drive for Part in UC Affairs Gaining

Regents' Committee OKs Move Granting Greater Role in Decision-Making

BY WILLIAM TROMBLEY

Times Education Writer

A strenuous effort by University of California student leaders to obtain a greater student voice in UC decision-making began to pay off at a Board of Regents meeting here Thursday.

The regents' educational policy committee, meeting at the Downtown Extension Center at 11th and Grand, recommended that the full Board of Regents approve a change in standing orders to permit student participation in decision-making at the departmental level.

Present standing orders theoretically prevent students from voting on departmental issues.

However, as a practical matter some departments on some UC campuses encourage student participation in decisions about curriculum. A few even permit students to vote on crucial personnel questions such as hiring, promotion and the granting of tenure.

Called Necessary Step

But Keith Schiller, undergraduate student body president at UCLA, said the change in standing orders was "a necessary first step" toward achieving widespread student voting participation in the academic departments.

More student involvement is needed, Schiller said in an interview, because the present system rewards research and ignores teaching.

"The amount of attention the faculty pays to teaching ability in making tenure decisions is almost nil," Schiller said. "It's so obviously apparent that people with good teaching skills are not being given tenure."

As examples, he cited the recent cases of UCLA assistant professors Edward Graham, chemistry, and Jules Zentner, Scandinavian languages, who are "excellent teachers," Schiller said, but were not granted tenure "because they didn't publish enough."

Pete Bouvier, graduate student body president at UCLA, said there is a glut of unimportant published research material in some fields because professors must publish in order to be promoted.

"Our point is that it is important

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STUDENTS' ROLE

Continued from Third Page
for a professor to keep up with his field but not necessarily to publish," Bouvier said.

Bouvier, Schiller and other student leaders carried this message up and down the state in recent weeks, visiting 18 of the 24 regents.

Included was a Tuesday visit to Gov. Reagan, who, Schiller said, was "sympathetic to our concerns about teaching."

However, the UCLA student leader said there were "some differences" between student criticisms of the tenure system and the governor's.

"He seems to think that tenure protects a lot of left-wing professors and all that, while we're concerned about tenure because it protects incompetent teachers," he said.

All the student lobbying paid off Thursday when Regent John E. Canaday introduced a resolution to the educational policy committee, urging the full

board to adopt the change in standing orders.

If the regents approve this change next month it will be up to UC President Charles J. Hitch and the nine campus chancellors to decide who can vote in departmental meetings.

Tuition Increase

In another action, the regents' finance committee voted to increase non-resident tuition from \$1,200 to \$1,500 per year and also to increase the nonrefundable application fee from \$10 to \$20.

Discussion of Gov. Reagan's proposed 1971-72 university budget was postponed until today.

There were indications that Hitch will not seek regents authority to ask the Legislature to supplement the governor's budget because he is not sure a

resolution along these lines would be approved by the board, now dominated by Reagan appointees.

The Day in Sacramento

By Associated Press

A Summary of Major Action Monday, June 14

THE ASSEMBLY Bills Passed

Retirement — Would increase retirement benefits for some persons under the Public Employees Retirement System; SB 249, Grunsky (R-Watsonville).

Sex—Would forbid public institutions of higher learning from refusing admission to graduate programs on the basis of sex alone; AB 732, Brathwaite (D-Los Angeles).

Land—Would authorize the state to offer surplus land to local governments for park purposes at no less than half its fair market value; AB 2241, Russell (R-Tujunga).

Subdivision — Would require subdivision developers to set aside land for schools; AB 1032, Bee (D-Hayward).

Athletics—Would authorize a legislative inquiry into the California Interscholastic Federation rules regarding athletic competition; HR 79, Chappie (R-Cool).

THE SENATE

Sent to the Governor

Racing — Would increase the number of quarter horse racing days allotted the Imperial, Oregon, Riverside and San Diego counties from the present 13 days to 22 in 1972, scaling up to a top of 25 in 1974; AB 217, Ralph (D-Los Angeles).

Retirement—Would cut the compulsory retirement age from 70 to 67 for state employees and revises the retirement benefit formula; SB 249, Grunsky (R-Watsonville).

Constitutional Amendment Passed

Regents — Would require Senate approval of the governor's appointments to the University of California Board of Regents; SCA 44, Nejedly (R-Walnut Creek).

Bills Passed

Bonds—Would provide for a vote of the people at the November 1972 election on a ballot proposition to provide \$185 million in bonds to finance junior college construction; SB 168, Rodda (D-Sacramento).

Felons—Would allow the State Department of Corrections or the California Youth Authority to employ qualified rehabilitated ex-felons as parole officers; SB 973, Harmer (R-Glendale).

FACULTY IDEA

Conduct Code for UC Regents, Students Urged

BY WILLIAM TROMBLEY

Times Education Writer

Now that University of California faculty members have developed a code of conduct and responsibility, the students, administrators and regents of the university should do likewise, a UC Berkeley anthropology professor believes.

Laura Nader, a Berkeley delegate to the UC faculty's statewide Academic Assembly, has proposed that other segments of the university community join the faculty in a "reassessment of rights and responsibilities."

Dr. Nader's proposal will be voted on when the Assembly meets at UCLA next Tuesday.

In an interview Dr. Nader—Ralph Nader's older sister—asked, "What happens if a regent does something detrimental to the university, like misusing public funds?"

"What happens when an administrator takes action that triggers a riot—is he responsible for that?"

As an example of regental misconduct she cited the board's recent support of the General Motors management in a proxy fight against "Campaign GM" proposals advanced by her brother.

Calls It Detrimental

"That's not criminal but it's certainly detrimental to the public interest," Dr. Nader said.

The anthropologist said the year-long faculty search for a suitable conduct code has been "healthy" but she added, "the fact that they (regents and administrators) would ask us to do it and not think of themselves as part of the same enterprise is surprising."

Dr. Nader said it would be "educational, for the people of the state, as well as the various components of the university," for regents, administrators and students to define their rights and responsibilities.

Another reason for her proposal is "to get the faculty off the defensive," she said.

"The faculty is so busy hacking up, defending their jobs and academic freedom and so on, they have forgotten that the best defense is to take the offense."

Dr. Nader said she would not mind being told how to behave by regents and administrators "if these guys all had track records. I don't mind a guy with a track record telling me to shape up."

She proposed her conduct code at the last meeting of the Academic Assembly but it was not discussed.

A Colleague Disagrees

After the meeting another UC professor said she thought the proposal was a bad idea because "we should get our own house in order first."

To which Dr. Nader replied, "Look, sweetie, it's the same house. There's no point in cleaning up a puddle on the floor when the pipes are leaking upstairs."

The Berkeley professor said she thought her resolution would be approved by the Assembly because "it's a motherhood thing—how can they say no?"

However, other faculty members said they thought the proposal would encounter stiff opposition and might not pass.

Dr. Nader has been an anthropology professor at UC Berkeley since 1960. Her field is comparative law and comparative society.

She is vice chairman of the anthropology department and is a member of several national scholarly committees.

She is married to Norman Mille-ron, a physicist at the Lawrence Radiation Laboratory at UC Berkeley. They have three children.

Regents' Group OKs Interest-Conflict Plan

**Provisions Would Call for Disclosures,
Bar Salaries and Allow Some Gifts to UC**

SAN FRANCISCO — A conflict-of-interest policy aimed at preventing members of the University of California Board of Regents from making personal gain out of university transactions was approved Thursday by the Regents' Finance Committee.

The policy grew out of charges by the Assembly Education Committee and the state auditor general's office that "improprieties may have been involved" in transactions involving Regents Edward W. Carter and Edwin W. Pauley.

UC President Charles J. Hitch said he disagreed that there was any wrongdoing but then proposed these policy guidelines, which were accepted by the committee:

—A regent shall disclose "the existence of any personal financial interest" in a matter being discussed by the board, shall refrain from participating in the discussion or voting and shall leave the room during executive discussions of such matters.

—A regent will be considered to have "a personal financial interest" if a transaction involves purchase or sale of property owned by the regent or his immediate family, or if it involves a business concern in which the regent owns at least 3% of the stock.

—Regents shall receive no salary for their services on the board but may be paid for expenses involved in attending meetings.

—The policy does not bar regents from making gifts to the university or from being "recognized in the naming of facilities or other appropriate tributes to donors."

The Assembly Education Committee questioned a \$10.7 million business arrangement involving Pauley and five UC officials, including Hitch, that enabled Pauley's oil company to obtain a loan from a Chicago bank.

The committee also criticized the joint purchase of a Bel-Air home and Japanese style garden by Carter and the university.

The committee's criticisms were based on investigations by the state auditor general, who found that these transactions may have benefited Carter and Pauley more than they did the University of California.

Deadline Set

The committee asked the university to develop a conflict-of-interest policy by Sept. 1.

Hitch said the policy guidelines adopted Thursday would not necessarily prevent similar deals in

the future but would require the regent involved to disclose his interest in advance and would prohibit him from voting on the issues when they come before the board.

Regents' chairman William French Smith called the guidelines "a tougher conflict-of-interest policy than any I know of."

Fire Equipment

In another committee session at the UC Extension Center here the regents were told it would cost \$9.5 million to provide proper fire-fighting and detection equipment in all buildings on all nine UC campuses.

After hearing that fire protection is inadequate on many campuses, Regent William E. Forbes said he was "absolutely appalled and frightened."

Forbes urged the board to develop a fire protection policy and moved to "terminate use of all buildings not up to safety standards" in the meantime.

Motion Tabled

The Forbes motion was tabled by the grounds and buildings committee but Regent William K. Coblentz asked the administration to produce a university fire protection policy and a complete list of unsafe buildings in time for the next regents' meeting in September.

The regents' educational policy committee turned down a recommendation that a UC San Diego student-faculty group known as the "Learning Community" be permitted to operate an experimental elementary school in an unused storage building on the UCSD campus.

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See full page image or
microfilm.

RECEPTION COMMITTEE—Placard-waving pickets greet the auto-taking Gov. Reagan to a meeting of the University of California regents in San Francisco on Friday. The pickets were demanding collective bargaining rights for the nonfaculty employees of the university. AP Wirephoto

Don't Alter Master Plan for Education, UC Regents Urge

BY WILLIAM TROMBLEY
Times Education Writer

SAN FRANCISCO — California's 12-year-old Master Plan for Higher Education is working well and should not be changed, University of California regents, administrators and faculty spokesmen said Friday. A 90-minute discussion at the monthly UC Board of Regents meeting here was marked by overwhelming support for the master plan, now under study by a joint legislative committee and also by a select citizens' committee. Regents' Chairman William French Smith said, "Whoever would make recommendations for substantial change bears a heavy-burden of proof that changes are needed."

Different Tasks

UC President Charles J. Hitch said "no major changes" should be made in the plan, which assigned different academic tasks to the university, the state colleges and the community colleges and also established the Coordinating Council for Higher Education as a voluntary coordinating agency. Critics have charged that UC has benefited from the master plan at the expense of other educational segments, but Friday's session produced no evidence that the university agrees with this criticism.

Close to Unanimous Agreement

Prof. Sally Sperling of UC Riverside, vice chairman of the faculty's statewide Academic Council, said, "We think there is close to unanimous agreement (among UC faculty members) that there should be no fundamental changes in the present tripartite system" No student opinion was expressed. Regent Frederick G. Dutton was the only dissenter. Dutton, who served on former Gov. Edmund G. Brown's staff when the master plan was drawn up, said, "There were a lot of political compromises . . . tied to particular personalities of the time . . . The master plan is not sacrosanct. It should be opened up and looked at."

MASTER PLAN

Continued from First Page

Veteran Regents John E. Canaday and Edward W. Carter strongly backed the present 16-year term for regents, although Hitch said "That is a very hard point to put across" with legislators.

If regents' terms are shortened, nominees should be picked by the governor from a list of names selected by a blue-ribbon screening panel, Hitch suggested.

Different Views

At a press conference after the meeting Smith said he thought the board was representative of the state's population, even though it contains only one member of a minority race, only two women and few members who are under 50 years of age.

The present board contains "a very broad spectrum" of educational and political views and issues are "debated extensively," Smith said.

Future regents should be "well qualified people representing diverse viewpoints" but should not represent "particular seg-

ments" of the population, he added.

Eight of the 16 appointed regents now on the board are businessmen and four are attorneys. Several are millionaires, all are white.

Wilson C. Riles, California's superintendent of public instruction, and a Negro, is one of eight ex-officio board members.

Regent Edwin W. Pauley completed 32 years on the board with Friday's meeting, receiving a citation of praise and a standing ovation from his colleagues and others in the UC Extension Center auditorium.

In farewell remarks Pauley said he had many "misgivings" during his years as a regent "but in the meantime the university has grown great."

16-Year Term

"My service on this board has been by far the most rewarding of my public life," the Los Angeles oilman added.

No replacement has been named for Pauley, but Gov. Reagan announced he would nominate Dr. John H. Lawrence, 68, to a full 16-year term.

Lawrence, a professor of medical physics and former director of the Donner Laboratory at UC Berkeley, was appointed a regent by Reagan in 1970 to fill out an uncompleted term. He has voted consistently with the board's conservatives.

Earlier in the day the regents tabled until next month a proposal by regent Glenn Campbell to charge UC medical and dental students an additional tuition fee of \$84 per quarter.

The vote to table was 11 to 10, with Pauley, casting his final vote, joining the majority.

Calif. Regents Censured By AAUP in Davis Case

NEW ORLEANS. May 5 (AP) — The American Association of University Professors censured the board of regents of the University of California today for its handling of what was called the "regrettable case" of Angela Davis.

By a vote of the membership at its annual meeting here, the AAUP called down the regents for attempting to dismiss Miss Davis "by invoking an improper rule," moving to withdraw academic credit from her courses, and vetoing the chancellor and refusing to re-hire her.

Miss Davis, whose case centered on her statements that

she was a Communist, is currently on trial in San Jose, Calif., for murder, kidnaping and conspiracy.

Censure, while carrying no actual punitive effects, is the way the association of professors votes a school into disrespect.

YES on Regent Appointments

Los Angeles Times (1886-Current File); May 9, 1972;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. C8

YES on Regent Appointments

The regents of the University of California control a vast educational system with an annual budget of more than \$337 million, nine campuses and more than 110,000 students. Eight members are ex-officio and 16 hold gubernatorial appointments for 16-year terms.

Proposition 5 on the June ballot would make the appointive members subject to confirmation by a simple majority of the State Senate. Confirmation is now required for appointees to the Board of Trustees of the State College System and many lesser bodies having far smaller impact on the state.

Proponents emphasize that the interests of the people can best be protected by legislative approval of regental appointees as is the case for nearly every other gubernatorial nomination. Opponents insist that such a course would inject substantially

more politics into appointment of the UC regents.

We do not see it that way for a number of reasons. Any appointment by any elected official is political in nature. Confirmation by the Senate would tend to make them less, not more, political. More consensus on such appointments might serve to ease tensions in the academic community and allay the doubts of some concerned citizens about the governance of a great educational institution.

Unfortunately, the measure does not go far enough. It does not reduce the number of ex-officio regents, thus doing nothing to reduce the danger of political interference from that area. And, regrettably, it does not shorten the unrealistically long terms of the appointive regents.

Nonetheless, Prop. 5 is a step in the right direction and should be given a Yes vote on June 6.

Supreme Court Rejects Firing of Angela Davis

Lets State Rulings Stand, Denies Plea by UCLA Regents

BY WILLIAM TROMBLEY

Times Education Writer

The U.S. Supreme Court Tuesday let stand California court rulings that Angela Davis could not constitutionally be fired from the UCLA faculty because she was a member of the Communist Party.

The Supreme Court refused to act on a UC Board of Regents petition to review the lower court rulings but gave no reasons.

The Regents ordered Miss Davis dismissed from her post as an acting assistant professor of philosophy at UCLA in September, 1969, because she acknowledged membership in the Communist Party.

The Regents have had a policy against employing Communists since 1940.

However, Los Angeles Superior Court Judge Jerry Pacht ruled that it was unconstitutional to fire a professor because of membership in the Communist Party, in a lawsuit brought by a UCLA faculty group.

Pacht later was upheld by the California Court of Appeal and the State Supreme Court declined to review the case.

The Regents then appealed to the U.S. Supreme Court, contending in a petition for review that "members of the Communist Party have assumed commitments" which preclude "open-mindedness and free inquiry" and are thus "disqualified from serving on the university's faculty."

However the Supreme Court has now denied the petition, bringing this aspect of the case to a close.

In the meantime the Regents, after Judge Pacht's ruling, shifted grounds and moved against Miss Davis not because of her Communist Party membership but because she had made "extreme" and "deliberately false" statements in public speeches.

Reinstatement Advised

The board dismissed her for a second time in June, 1970.

A few months later, the militant black woman was charged with murder, kidnaping and conspiracy after a shootout at the Marin County Courthouse which left a judge and three others dead.

However, she was acquitted last spring after a lengthy trial.

Shortly after the acquittal the UCLA philosophy department recommended that Miss Davis be restored to the faculty, to fill out the second year of her original appointment.

But the Regents said last month they did not wish to reconsider their 1970 decision.

UCLA Chancellor Charles E. Young, who supported Miss Davis' right to remain on the faculty two years ago, said he would not have reappointed her this time if the Regents had left the decision to him because she "has indicated by a variety of public statements that her commitment is to something other than an academic career."

In the Supreme Court appeal Regents counsel Thomas J. Cunningham sought to obtain a reversal of previous court rulings that Communist Party members cannot be fired from public positions for reasons of party membership alone.

However, the present court, whatever its views on the party membership issue may turn out to be, declined to state them in this case.

UC Campaigns Against Cut in Regents' Terms

Proposed Amendment Altering Process of Selection Also Comes Under Attack

BY WILLIAM TROMBLEY

Times Education Writer

The University of California has mounted an intensive campaign to head off a proposed constitutional amendment that would shorten the length of UC regents' terms and change the process by which they are selected.

Assembly Constitutional Amendment 83, which has cleared two Assembly committees and soon will be debated by the full body, would make these important changes:

—Regents' terms would be shortened from 16 to 8 years.

—The present board would be replaced entirely by 1978.

—The governor would continue to appoint 16 of the 24 regents but would have to make each choice from a list of five candidates selected by a new Higher Education Nominating Committee.

—This nominating committee would be headed by the state superintendent of public instruction and would include the Speaker of the Assembly, the president pro tem of the Senate, opposition leaders in both legislative houses, the chairman of the Board of Regents and representatives of UC students, faculty members and alumni.

—The governor, Assembly Speaker and state superintendent of public instruction would remain ex-officio members of the board but the lieutenant governor would be replaced by the Senate president pro tem.

—Two other ex-officio members—the president of the San Francisco Mechanics' Institute and the president of the state Board of Agriculture—would be removed, to be replaced by nonvoting representatives of the students and the faculty.

The proposed constitutional changes stem from a two-year study of California's Master Plan for Higher Education by a joint legislative committee headed by Assemblyman John Vasconcellos (D-San Jose).

The committee came to believe that "the board does not reflect the state's population and is not in keeping with the times," Vasconcellos said in an interview last week.

ACA 83 states that the regents should be "broadly representative of the general public, including ethnic minorities and women," and requires both the governor and the Higher Education Nominating Committee, in preparing its lists of nominees, to meet that requirement.

UC opposes the entire amendment but has concentrated its fire on the provisions that would shorten re-

gents' terms, replace the entire board in four years' time and set up the new screening procedure.

In recent weeks regents of both political parties have made personal appeals to legislators and have called on influential friends throughout the state to do likewise.

UC alumni groups have been urged to call or write their representatives in opposition to the amendment.

In a Dec. 21 letter written with a "sense of urgency" to about 1,200 "friends of the university," UC President Charles J. Hitch said "there is every reason to believe the university will be impaired by this unnecessary upheaval in its governing structure."

Regent William E. Forbes called the amendment "most unfortunate" because "it seeks to change a basic part of a university system that is one of the really valuable assets of the state and has proved itself nationally and internationally."

Regents' chairman Dean A. Watkins said "the most objectionable part of ACA 83 is that the appointment process it establishes would completely politicize the appointment of regents."

Watkins said the proposed Higher Education Nominating Committee would be dominated by "a bunch of politicians" and added: "It's pretty clear that to get by that committee you'd have to be a nonentity. Anybody who had ever taken a strong stand on anything would be eliminated."

Vasconcellos disagreed.

"That's silly," he said. "Now you've got one person, the governor, who is partisan and unscreened, making all the selections . . . Our proposal balances out the politics. It calls for the pluralistic politics the state needs instead of the kind of isolated politics now practiced by the board."

In his Dec. 21 letter, Hitch contended that the 16-year regents term "is designed to insulate the regents, and thus the university itself, from day-to-day shifts in public opinion and political power."

However, in a position paper, the UC Student Lobby argued that 16-year terms "serve to insulate the board from increasingly rapid social and educational change."

Moreover, the students said, "The argument that 16-year terms insulate the board from political influence is difficult to document."

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REGENTS' TERMS

Continued from Third Page

The students' said regents' decisions in recent years to dismiss former UC president Clark Kerr, to impose tuition, to fire Angela Davis from the UCLA faculty and to deny credit for an Eldridge Cleaver lecture series at UC Berkeley "were made on political grounds and not on the grounds of sound educational policy."

Several regents who were interviewed, including Watkins and former board chairman William French Smith, said 16 years might be too long for regents to serve, but they were strongly opposed to the eight-year terms proposed in ACA 83 because one governor, serving two terms, could name all 16 appointed regents.

Regents were even opposed to the stipulation that would permit California's next governor to reshuffle the entire board.

Vasconcellos said he might be willing to compromise on the length of term.

"At some point I might be willing to do that," he said. "I've got an idealistic position on this but I'm also realistic. I can move on that if I believe it will help me get the votes."

The assemblyman also indicated willingness to change the provision calling for a complete board turnover by 1978.

"That is the weakest part of ACA 83," Vasconcellos said. "It's the part I'm most willing to reconsider."

Most regents conceded there is little present-day justification for the Mechanics Institute and the state Board of Agriculture to be represented on the Board of Regents, though they added that many of these representatives have been excellent regents.

Most regents were opposed to adding nonvoting student and faculty representatives to the board on the grounds that student and faculty representatives now are permitted to speak at board meetings.

There was general disapproval of the amendment's attempt to diversify board membership, especially a provision that the Higher Education Nominating Committee should put forward candidates "of different backgrounds, abilities, interests and opinions about education."

Watkins asked, "Does that mean we have to have an idiot for every genius on the board?"

Said Forbes, "Sure, the board ought to be broadly representative and I think essentially it has been, with certain things taken into consideration."

"We lack youth because youth lacks experience and judgement at times. There are none of the less

fortunate, economically speaking, but one needs to devote quite a bit of time to it and practical considerations prevent that" for the less wealthy.

Forbes added, "We've had three women on the board since I've been serving and I think future governors will appoint more. Women's Lib is here to stay."

"Recently, the board has had the benefit of one black (state Schools Superintendent Wilson Riles) and this hastens the day when we will have more."

The only regent to voice general approval of ACA 83 was Frederick G. Dutton, who said the changes "would make the university much more responsive to the last part of the 20th century."

Dutton dismissed the claim that the new Board of Regents would be more politically partisan than the present group.

"I think it would be much less political," the Washington, D.C., attorney said. "The group that's on the board now is the most political of all, representing only 2% or 3% of the wealthy individuals and established corporations of the state."

Regents William M. Roth, a candidate for the Democratic gubernatorial nomination, said he favored 10- or 12-year terms but he opposed the nominating committee idea.

"I basically don't approve of a screening committee that would include appointees from the legis-

lative leadership," Roth said.

"If I were governor, I would appoint a screening committee myself, with representation from various parts of the university and the general public as well. But there ought to be a separation of powers, with the governor nominating and the Legislature approving."

Vasconcellos claimed Hitch himself had supported the idea of a screening committee for regent appointees when he testified before the Assembly Education Committee in May, 1971.

Last week, he mailed to each assemblyman an elaborate chart that showed apparent discrepancies between Hitch's 1971 testimony and his recent letter to the "friends of the university" attacking ACA 83.

Hitch was out of the country last week but other UC officials said the president consistently has supported the 16-year term and only suggested the screening committee device in case the term should be shortened.

The Hitch nominating group would have been less political than the group proposed in ACA 83, these officials said, because it would have been headed by the chief justice of the California Supreme Court, it would have contained only two elected officials instead of five and it would have included four members of the general public.

However, it is apparent that key regents, Watkins, Smith and Edward W. Carter, differed with Hitch on the screening committee approach. The president has not mentioned the idea in recent months.

Vasconcellos said he plans to introduce ACA 83 in the Assembly the week of Jan. 21 or 28 and thinks its chances are "pretty good, though I'm not sure—I haven't worked the members yet."

He conceded it would be more difficult to push the measure through the Senate because "senators tend to be more traditional," but he said Assembly pas-

sage would provide helpful momentum.

"I'm really happy with the way it's going," Vasconcellos said. "I think it's important to flush out the university management on these kinds of issues. Let the public see what kind of issues they put their effort into. You can see what their values are by where they put their energy."

The amendment must be approved by the Legislature before June if it is to appear on the November, 1974, ballot.

THE STATE

Gov. Reagan confirmed he has been looking at ranch property in the Santa Barbara area and is considering selling all or part of undeveloped ranchland he holds in Riverside County. He told reporters it has taken longer than he expected to get water and power to the 778 acres he owns near Temecula. "So we have been looking at some ranches that are already under way where you could move in and start enjoying and using them," Reagan said. The Riverside County assessor appraised Reagan's holdings there at \$417,000, a jump from the \$240,500 figure reported when he bought the land in 1967.

Terms of the contract of the state's highest paid employe should remain secret, a lawyer for the University of California Board of Regents told a Sacramento County Superior Court. He was speaking in behalf of UC President Charles J. Hitch, respondent in a lawsuit filed by newspaper columnist Earl G. Waters who is seeking to have the contract revealed. Waters contends there may be benefits in the contract financed by taxpayers who are not permitted to know about them. Hitch's attorney said the contract is a confidential personal record protected from scrutiny by the 1968 California Public Records Act. Hitch's basic salary is reported as \$53,500 annually, compared to Gov. Reagan's \$49,100.

A Mendocino County judge sentenced two Santa Barbara commercial fishermen to 10 months in jail on a rare felony conviction of conspiring to take abalone illegally. Most violations of abalone regulations are misdemeanors. Officials who had been holding 89 abalone as evidence in the trial said the illegal catch now would become a meal for the jail's prisoners. Curtis Randall Hager, 24, and Michael Harvey Robinson, 23, were arrested last October and accused of using illegal sophisticated underwater gear to dive for abalone.

7 OF UC REGENTS HAVE PERFECT ATTENDANCE

Seven of 24 members of the University of California Board of Regents compiled perfect attendance records during the last 13 months, according to a report issued by Marjorie J. Woolman, secretary of the regents.

Board members who did not miss a meeting between January, 1972, and February, 1973, were Edward W. Carter, Allan Grant, Mrs. Edward H. Heller, DeWitt A. Higgs, Robert O. Reynolds, William French Smith and UC President Charles J. Hitch.

In addition, Regent William A. Wilson has been present for every meeting since he was named to the board in May, 1972.

Regents who attended 10 out of 11 meetings in that 13-month period were John E. Canaday, William K. Coblentz, William E. Forbes, Joseph A. Moore Jr. and board chairman Dean A. Watkins.

Two meetings were missed by Mrs. Randolph A. Hearst, John H. Lawrence and William M. Roth.

State Supt. of Public Instruction Wilson Riles

missed three meetings and Lt. Gov. Ed Reinecke and Regent Glenn Campbell were absent four times.

Gov. Reagan and Regent Frederick G. Dutton at-

tended six of the 11 meetings, while Norton Simon was present for only five.

The worst attendance record was compiled by Assembly Speaker Bob Moretti (D-Van Nuys), who was present for only three meetings.

Vast Changes Urged in State Higher Education

Recommendations From 2-Year Study Will Be Submitted to Legislature in Form of Bills

BY NOEL GREENWOOD

Times Education Writer

SACRAMENTO—A joint legislative committee has wrapped up its two-year study of California higher education by recommending a long list of changes that range from student membership on the UC Board of Regents to creation of a new California Cooperative University.

The recommendations, some of which require constitutional amendments, will now be submitted to the Legislature in bill form, some perhaps as early as this week.

"They're all going in," said Assemblyman John Vasconcellos, the San José Democrat who was chairman of the Joint Committee on the Master Plan for Higher Education.

How many of the recommendations will actually be enacted into law is still anyone's guess.

But the substance of one of the most important ones, to abolish the Coordinating Council for Higher Education and replace it with a new, more powerful Postsecondary Education Commission, already is moving through the Legislature in a bill authored by Assemblyman Frank Lanterman (R-La Canada).

Good Chance of Passage

The Lanterman bill has cleared the Assembly Education Committee without a dissenting vote, and seems a good prospect for passage by the Legislature and approval by Gov. Reagan.

When the Vasconcellos committee began its work, there was an inclination in higher education circles not to take it seriously. Joint committees have studied higher education in the past and not much has come of those studies.

But as the committee wound up its study last week with a final series of votes on its recommendations, the higher education establishment was taking it seriously.

UC regents and state university trustees are opposing some of the committee's most important recommendations and can be expected to mount a lobbying effort against them in the Legislature.

In the past, higher education lobbyists would have had a fairly easy time shooting down such recommendations. But the mood of many legislators, especially toward the University of California, has changed noticeably, and the lobbyists have a harder job ahead of them this year.

Vasconcellos, looking back last week on his committee's work, indicated mixed feelings and some dis-

appointment over the reaction of the higher education establishment to the two-year study.

He reserved his praise mainly for the State University and Colleges and "their seeming willingness to trust us and cooperate with us fully."

Said Vasconcellos: "I don't always agree with (Chancellor) Glenn Dumke, but I surely appreciate his lack of paranoia when it comes to me and my staff."

The University of California was "another story," said Vasconcellos. He characterized UC's attitude toward the committee as "not very welcoming, initially not very willing to cooperate, not very direct—I guess, disappointing."

Vasconcellos said the university showed a "terrible lack of faith in the people of California and the Legislature" by its actions.

The California Community College system, he said, was "generally cooperative (but) not especially impressive" in its relations with the committee.

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EDUCATION STUDY

Continued from Third Page

The Vasconcellos committee issued tentative recommendations in February, then held hearings up and down the state to gather reaction from students, faculty members, governing boards, college and university administrators, and the general public.

Most of the tentative recommendations survived the committee's final vote last week, but there were changes.

Its recommendation to add one non-voting student and one non-voting faculty representative to each of the three state boards—the UC Board of Regents, the state university trustees and the community college Board of Governors—won final approval.

But the committee dropped a further recommendation that would have required the same of each local community college board of trustees, on the belief that it would be an unnecessary intrusion into the affairs of the locally elected boards.

Terms of Regents

Also intact in the final report is a reduction in the terms of UC regents from 16 to eight years and an increase in the terms of community college governors from four to eight years, bringing both in line with the current eight-year terms that state university trustees serve.

The committee urges that two ex-officio members of the UC Board of Regents be dropped from the board. These are the presidents of the state Mechanics Institute and the state Board of Agriculture. It would leave other ex-officio members, including the governor, lieutenant governor, Speaker of the Assembly and superintendent of public instruction, on the board.

In its final report, the Vasconcellos committee deleted an earlier recommendation that some campuses experiment with local governing boards that would have restricted powers. University and college spokesmen opposed this, and Vasconcellos said the committee frankly had problems devising a workable approach to such boards.

Governor's Powers

The committee stuck with its proposal that the governor no longer have unrestricted authority, except for Senate confirmation, to appoint members to university and college governing boards.

Instead, a blue-ribbon panel headed by the state superintendent of public instruction would submit a list of five to 10 persons to the governor for each vacancy on the UC Board of Regents, the state university trustees and the community college Board of Governors.

The governor would be required to make his appointment from that list. Originally, the chief justice of the state Supreme Court was to head the panel, but the Vasconcellos committee changed that in its final vote.

The committee gave ground on a tentative recommendation that by 1980, enrollment in the UC, state, university and community college systems "shall approximate the general ethnic, sexual and economic composition of the state."

Opposition by Regents

This proposal drew heavy opposition, especially from some UC regents who argued that it amounted to a quota system for minority persons and women.

In its final report, the Vasconcellos committee removes the absolute requirement to hit the 1980 target and instead shall each segment shall "strive" to do so.

It also lowers the target for minority persons somewhat by substituting the phrase "recent high school graduates" for "the state." This was a change urged by state university administrators.

The committee originally proposed that the Legislature assume jurisdiction over admissions policies and student fees at the University of California, the California State University and Colleges and all community colleges.

In the final report, the recommendation for control of fees is retained except it is made clear that tuition—and not the many

In another deletion, the committee is no longer recommending that the California State University and Colleges be given constitutional status similar to the University of California. The recommendation was seen as largely a token one, since it at the same time sharply limited the actual powers that would be given to state university trustees compared with UC Regents.

Single Student Fee

The committee also dropped a recommendation that there be a single student application form and fee for all four-year public institutions, no matter which segment controls them.

A committee staffer said it was unclear that this would be any cheaper for students, or any more efficient than the system now administered by each segment.

Two new recommendations approved by the committee call for increased state funding for community colleges, so that 45% of their costs are borne by the state by 1982, and a study to determine if California should operate its own work-study program for students as a way to provide additional student financial aid.

The creation of California Cooperative University drew opposition from virtually the entire higher education establishment during the committee's hearings.

But it remains in the final report as an institution to operate off-campus programs for, and award degrees to, adults and others unable or unwilling to enroll at a traditional college or university.

Neither did the committee retreat in any significant way from its Feb-

ruary recommendation to wipe out the much-criticized Coordinating Council for Higher Education and create a new Postsecondary Education Commission with an all-day board to oversee higher education in the state.

It did soften some of the language that sets out the commission's duties to make clear that a number of its activities are advisory to the governor and the Legislature.

And it lowered the number of direct appointments the governor could make to the commission, to lessen the influence of the governor's office on the agency.

Recommendations for major increases in state-funded student financial aid were unchanged in the final report, as was a hotly opposed recommendation that UC and the state university move their headquarters to Sacramento.

Revamping the Regents

The governing of the University of California has come under scrutiny from various groups in recent years. The California Constitution Revision Commission recommended changes. In 1971 the Select Committee on the Master Plan on Higher Education proposed revisions. Last year the Legislature's own Joint Committee on the Master Plan, after extensive study and public hearings, advocated sweeping changes.

Its proposal, contained in Assembly Constitutional Amendment 83, is based on the theory that the governing structure was designed in the late 19th century and sufficed for an era in which higher education served a smaller, more homogeneous population and utilized fewer public resources. In the committee view, "New times call for new approaches."

There is merit in ACA 83, but two of its provisos are bad, and should be changed.

The two unacceptable proposals would give to the state's next governor the power to name all the regents in his first term, and to any governor after him the power to appoint all the regents if the governor served two terms.

This would make possible a dangerous political interference in the affairs of the university. The regents' relative freedom from political influence has given the university stability and continuity. Those conditions must be preserved if the university is to keep on being the great school it is.

Under ACA 83, the term of the 16 appointed regents would be reduced from 16 to 8 years. The regents now sitting would be removed, and the governor elected this year would name all 16.

We agree that the regents' current 16-year term is too long. But we strongly oppose shortening the term to eight years or less, for that way a two-term governor could name them all. The Constitution Revision Commission recommended 12 years. That—or, say, 10 years—would be suitable and safe.

ACA 83 would also eliminate Senate confirmation of regents, a requirement approved by the voters in 1972, and provide instead for a select nominating committee to submit a list of five qualified persons from which the governor would select a nominee for each appointment. Such a change is reasonable, because Senate ratification of gubernatorial appointees has traditionally been almost always routine.

Another plus is the proposed elimination of the president of the Mechanics Institute of San Francisco and the president of the California Board of Agriculture as ex-officio regents. Since the board is to be broadly representative of the public at large, there is no justification for such special-interest representation.

And since there are available channels of communication, we have some doubts about the advisability of placing a peer-selected student and a peer-selected faculty member on the board as nonvoting members.

But it seems to us that there are two imperatives: Before submitting ACA 83 to the voters, the Legislature should lengthen the regents' terms and eliminate the clause that gives the next governor the power to sweep out the entire board, and his two-term successors the power to appoint all the regents.

UC Regents Accused of Using Tax Funds for Own Lobbying

BY WILLIAM TROMBLEY

Times Education Writer

UC Regent Frederick G. Dutton charged Friday that UC regents and officials are using tax funds to lobby against Assembly Constitutional Amendment 83, which would shorten the length of regents' terms and change the procedure by which they are chosen.

During one of the angriest regents' sessions in recent years, Dutton accused his fellow regents board members of "trying to protect their power against the people of the state, against the faculty and the students."

He said public money is being used to prepare mailings and to engage in other lobbying activities against ACA 83, sponsored by Assemblyman John Vasconcellos (D-San Jose).

"The people are entitled to know what lobbying is going on," said Dutton, who supports the amendments.

ACA would shorten regents' terms from 16 to 8 years, enable the state's next governor to appoint an entirely new board and require that future regents be picked from lists screened by a Higher Education Nominating Committee, among other changes.

Most regents oppose the measure but board Chairman Dean A. Watkins told Friday's meeting at the Los Angeles Convention Center, "I don't think anything has been done sub rosa."

Watkins said UC President Charles J. Hitch has mailed a letter to about 1,200 "friends of the university" opposing ACA 83 and that several regents "on their own time and with their own resources," are lobbying against the amendment.

Watkins said the regents voted to appoint a committee to advise President Hitch on possible changes in UC operations stemming from a two-year study of the California Master Plan for Higher Education, conducted by a joint legislative committee headed by Assemblyman Vasconcellos.

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UC BOARD OF REGENTS

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The lobbying campaign against ACA 83 is an outgrowth of that committee's work, the chairman said.

UC Vice President Chester O. McCorkle later told a press conference, "we've been meticulous to fund any such materials—mailings and so on—from non state money, mostly gift money."

But Dutton insisted that "public tax funds are being used to protect the privileged positions of a few appointed members of this board."

As an example, he said a UC vice president paid by taxpayers used university time to prepare Hitch's letter to the "friends of the university," a lengthy document containing detailed criticisms of ACA 83.

Regent Norton Simon said earlier it did not matter whether regents serve four years or 20 because

regents meetings have become "dog and pony shows" at which nothing of substance is discussed.

Simon objected to the fact that a UC vice president spent 30 minutes at Friday's meeting reading a presentation that already was available to the regents in printed form.

Simon said more regents would attend meetings "if we had fewer dog and pony shows and more genuine discussion."

Watkins later told reporters, "I don't know how he would know—he's attended so few of them."

Regents' records show that Simon has missed three of the last six board meetings, as have Regent Glenn Campbell and state Supt. of Public Instruction Wilson Riles. Gov. Reagan and Assembly Speaker Bob Moretti (D-Van Nuys) have missed four of the last six meetings.

Earlier in the day, Dutton charged that Watkins was trying to keep him from speaking.

"The gagging on this board gets worse and worse under the present chairman," he charged.

Watkins replied, "Thank you — I appreciate your confidence."

"Zero!" Dutton shot back.

"Now I appreciate your compliment, Watkins said."

Altogether, it was the angriest regents' meeting in several years, reminiscent of the late 1960's, when board members were regularly at each others' throats over Gov. Reagan's budget cuts and other issues.

UC Regents Relax Opposition to Bill on Education Panel

BY WILLIAM TROMBLEY

Times Education Writer

University of California regents have relaxed their opposition to legislation which would create a California Postsecondary Education Commission, to oversee all of the state's educational activities beyond high school.

However, the regents and UC President Charles J. Hitch are still unhappy that the bill, authored by Assemblyman Frank Lanterman (R-La Canada), does not spell out precisely that the new commission is to be advisory and not regulatory.

Lanterman's bill, AB770, has passed the Assembly Education Committee and is to be heard in the Assembly Ways and Means Committee today.

The bill would create a 19-member commission to replace the Coordinating Council for Higher Education as the principal mechanism for planning and coordination of post-secondary education in the state.

The UC Board of Regents reaffirmed their opposition to the bill June 15, after several influential regents expressed concern that the commission would usurp regental powers.

However, Regents' Chairman Dean A. Watkins said Tuesday the regents "gained a better understanding of the legislative intent" during

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REGENTS

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a meeting at UCLA last Friday with Lanterman and Assemblyman John Vasconcellos (D-Santa Clara), chairman of a joint legislative committee which has been studying the state's master plan for higher education.

"I really can't find anything in the bill as it now stands as far as regulatory language is concerned that's offensive," Watkins said. "I think Assemblyman Lanterman has gone a long way in making the kind of changes we need."

Lanterman said he would eliminate provisions of the bill calling for the commission to meet at least 24 days a year and for commission members to be paid \$10,080 annually.

He also said the chairman of the Board of Regents could designate another regent when he could not attend commission meetings himself.

But Lanterman insisted that a regent, not President Hitch, must represent UC on the commission. All educational segments are to be represented by laymen, not professional educators.

"They kept saying we need professional guidance and advice but I told them we have got too damned much of that already and we're not going to have any more of it," said the colorful legislative veteran.

Lanterman also refused to change the bill's language to make it more specific that the commission will be advisory, not regulatory.

The regents are "seeing feet under the bed," the assemblyman said. "We've taken every possible step to assure that this is an advisory board, advisory to the Legislature and the governor."

Lanterman blamed UC General Counsel Thomas J. Cunningham for arousing regents' suspicions that their powers would be diminished.

"He carried over more apprehension than there needed to be," Lanterman said. "Why, he even started to give me a lecture on regulatory and permissive. I finally said, 'Now, look Tom, Uncle Frank has been writing law for 23 years—I don't think you need to tell Uncle Frank how to write a mandatory or a permissive clause.'"

Even though there is more agreement between Lanterman and the regents, UC still will oppose the bill in the Ways and Means hearing, as will the California State University and Colleges and the California Community Colleges.

A Good System for Picking Regents

Last year the Legislature's Joint Committee on the Master Plan for Higher Education proposed some constitutional changes in the governing of the University of California. The committee, like other groups before it, thought that the UC regents should serve shorter terms, and should be made more representative of the general population.

Though the intent of the proposed changes was constructive, some of them would have effects opposite to those intended, and would make the university more, not less, subject to political pressures.

Assemblyman John Vasconcellos (D-San Jose), chairman of the committee, is proposing one modification to his original proposal, contained in Assembly Constitutional Amendment 83. Originally he proposed to sweep out all the sitting regents at the beginning of the next governor's term, and to cut the regents' terms of office from the current 16 years to 8 years. That would have given the next governor and his successors too much potential political control over a body that, to be effective, must be set apart from politics and partisanship.

Vasconcellos' modification is a good one. He would set the regents' terms at 10 years, and provide a 10-year transition period from the current system to the revised one.

Another provision in ACA 83 seemed reasonable

when we first wrote about it, but we have had second thoughts.

This provision would require the governor to choose regents from a list of nominees submitted by a select committee composed of the state superintendent of public instruction, the Speaker of the Assembly and the Senate president pro-tem and the leaders of the opposition in both houses, the chairman of the board of regents, and one representative each from the alumni, the faculty and the student body.

This looked like a way of making sure that the governor had a wide choice, but on reflection we have concluded that the compromises inevitable in such a committee, the political horse trading, could well lead to a list of nominees distinguished chiefly by their mediocrity.

Granted that some governors have made some poor choices for regents, the current system has served the state and the university well. We believe that the best way to keep the university and the regents as free as possible from partisan politics, to keep the quality of the regents high, is to give each governor in turn his head, subject, as at present, to confirmation of regents' nominations by the Senate.

Vasconcellos and his committee would do the university and the state good service by amending ACA 83 to keep the process of nominating UC regents as it is.

Riles Backs Measure to Cut Regents' Terms

Supports 12-Year Limit That Leaves Most Other Board Functions Unchanged

State Supt. of Public Instruction Wilson Riles Friday announced his support of a Senate constitutional amendment that would shorten terms of University of California Regents from 16 to 12 years but leave the board unchanged in most other ways.

Riles endorsed the measure sponsored by Sen. Albert Rodda (D-Sacramento) in a news conference at a state Board of Education meeting here.

Riles said he prefers the Rodda measure to a rival constitutional amendment sponsored by Assemblyman John Vasconcellos (D-San Jose) because it takes a more cautious approach to changing the Board of Regents.

The Vasconcellos proposal would trim regents' terms to 10 years and require the governor to appoint new regents from a group of candidates approved by a Higher Education Nominating Committee.

Riles said 10-year terms would enable a two-term governor to appoint a majority of the regents and "expose the institution to the fickle fortunes of politics."

He said the appointment power should remain with

the governor, subject to confirmation by the Senate.

As state superintendent Riles serves as an ex-officio member of the Board of Regents as well as the Board of Trustees of the California State University and Colleges.

The Rodda bill has passed the Senate but has yet to be considered by the Assembly. The Vasconcellos bill has passed two committees of the Assembly but has not been voted on by the full house.

If either measure is to be submitted for voter approval in November, it must pass the Legislature by June 28.

Meanwhile, at a meeting in San Francisco, the regents elected William French Smith as chairman of the board for the coming year.

Smith, Gov. Reagan's personal attorney and close friend, has been a regent since 1968. He served as board chairman from 1970 to 1972.

The regents also elected San Diego attorney Dewitt A. Higgs vice chairman. Regents Elinor Heller and William A. Wilson were selected as UC's representatives on the California Postsecondary Commission.

Softer Regent Amendment Seen Headed for Legislative Passage

Los Angeles Times (1886-Current File); Jun 23, 1974; ProQuest Historical Newspapers Los Angeles Times (1881 - 1986) pg. B1



ENJOYS 'AN AURA'—Regent William K. Coblentz finds the post gives him an "aura of respectability."

Softer Regent Amendment Seen Headed for Legislative Passage

The University of California apparently has managed to beat back the toughest of two proposed constitutional amendments that would shorten the terms of UC regents and change the way they are selected.

The survivor is SCA 45, introduced by Sen. Albert Rodda (D-Sacramento). It has passed the State Senate, cleared its first hurdle in the Assembly last week and now seems headed for final passage by the Legislature.

The loser is ACA S3, authored by Assemblyman John Vasconcellos (D-San Jose), which has yet to pass the Assembly and now seems to have no realistic chance of gaining legislative approval by the June 28 deadline to qualify for the November ballot.

Vasconcellos, significantly, is supporting the Rodda bill as it moves through the Assembly, and an aide last week said: "Right now, it looks like 45 is probably the best we can do in terms of getting something on the ballot in November."

Earlier, some observers had been predicting a standoff between the

two bills, with neither gaining final passage.

"I realize the possibilities for a standoff but I'm a little bit smarter than that," said Vasconcellos at the time. "The regents would like nothing better than to have no change."

Vasconcellos said that "as little as 45 does, at least it is a statement that things should be changed. I was pleased to hear Sen. Rodda say that the university should be governed by someone other than rich, white men. If we've made the point that a diverse board reflective of the people of the state is important for the university, maybe we've gotten what we needed."

Here are the most-argued differences between the two bills:

—Vasconcellos would reduce the terms of regents from 16 to 10 years and provide for a complete transition to a new board over a 10-year period; Rodda would trim them from 16 to 12 years and would permit current members to complete their terms.

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AMENDMENT

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—A blue-ribbon advisory committee would submit lists of regental candidates to the governor, who would be required to make his appointments from the lists under the Vasconcellos bill but would merely be required to consult with the committee under the Rodda bill.

—Vasconcellos would require new regental seats for voting representatives of UC students and faculty members; Rodda would

permit the establishment of such seats but would not require them.

Both measures would make other changes in membership of the regents, though these are less controversial.

Vasconcellos would remove the president of the Mechanics' Institute of San Francisco and the president of the State Board of Agriculture and would replace the lieutenant governor with the Senate president pro tem.

Rodda would drop the

Mechanics' Institute and State Board of Agriculture representatives and would increase the number of appointed regents from 16 to 18.

Both bills call for a board that is more representative of the state's population than the present group, which is largely composed of wealthy attorneys and business executives.

The regents, however, have supported SCA 45 as the lesser of two evils and worked closely with Rodda to develop the bill's details.

DAY IN SACRAMENTO

From Associated Press

A Summary of Major Action Thursday, Jan. 10

THE GOVERNOR

Proposed a \$9.8 billion budget for fiscal year 1974-75. Signed first bill of year, AB 2691 by Assemblyman Joseph Montoya (D-La Fuente), validating school district bond elections held Jan. 8, 1974.

THE ASSEMBLY

Catastrophe—Would create system of catastrophe compensation covering personal and property damage; ACA 26 62-0; Miller (D-Oakland); to Senate.

Constitutional Amendment Defeated

Housing—Would scrap local approval vote now required before low-rent housing can be constructed; ACA 40; 42-21; Brown (D-San Francisco); reconsideration granted.

Bills Passed

Ex-felons—Would allow ex-felons who were under 21 at time of offense and never in state prison to take jobs as parole officers and state prison system employees; AB 2297; 44-22; Sieroty (D-Beverly Hills); to Senate.

Narcotics—Would authorize court to commit narcotic addicts or those in danger of addiction to appropriate local rehabilitation facility as alternative to commitment to California Rehabilitation Center; AB 1223; 51-0; Crown, (D-Alameda); to Senate.

Pesticides—Would require that pesticide containers be sealed in leak-proof fashion; AB2548; 70-0; Berman (D-Los Angeles); to Senate.

Bill Defeated

Seat belts—Would require those owning cars with seat belts to use seat belts; AB 1262; 28-34; MacGillivray (R-Santa Barbara).

Constitutional Amendment Introduced

Senate—Would relieve lieutenant governor of duty to preside over state Senate; ACA 93; Gonzales (D-Bakersfield).

Bills Introduced

Budget—Would enact 1974-75 state budget; AB 2750; Brown.

Education—Would require certain financial disclosure provisions of law to be applicable to regents of University of California, trustees of state college systems and board of governors of community colleges; AB 2759; Joint Committee on Master Plan for Higher Education.

Plate—Would require every vehicle license plate with word "California" on it to have phrase "Seat Belts Fastened?" on it; AB 2770; Keysor (D-Granada Hills).

Marijuana—Would lessen fine for possession of 4 ounces or less of marijuana—making maximum six months in county jail and \$500 fine; AB 2758; Sieroty.

Spray—Would outlaw sale of aerosol spray paint to persons under age 18; AB 2761; Alatorre (D-Los Angeles).

Holiday—Would designate Jan. 15 Martin Luther King Day and declare it state holiday; AB 2775; Holoman (D-Los Angeles).

Meats—Would require state to set up uniform designations of labeling for retail cuts of beef, veal, lamb and pork; AB 2776; Briggs (R-Fullerton).

Smoking—Would establish no-smoking areas in designated buildings; AB 2755-56; Briggs.

Resolutions Introduced

Ski—Would urge ski resort operators to install chalk boards for announcing dangerous conditions and injuries to individuals with friends or relatives in the area; ACR 148; Keysor.

Strip mining—Would urge that federal government ban strip mining in national forests; AJR 77; MacDonald (D-Ojai).

Education—Would urge specified actions by officials governing the state's post-secondary education system; would express intent of Legislature on statewide goals for public postsecondary education during next decade; ACR 149-161; Joint Committee on the Master Plan for Higher Education.

THE SENATE Bills Introduced

Unemployment—Would increase maximum amount of unemployment compensation benefits from 26 to 39 times individual's weekly benefit amount and delete limit on payments of not more than one-half total wages; SB 1531; Marks (R-San Francisco).

Budget—Would make appropriation for support of state government for 1974-75 fiscal year; SB 1525; Collier (D-Yreka).

Construction—Would appropriate \$22 million for construction on California state universities and colleges campuses; SB 1517; Robbins (D-North Hollywood).

Disclosure—Would provide that employment contract between state or local public agency and official or employee public open to inspection; SB 1526; Marks.

Containers—Would prohibit dispersing flammable liquid portable containers unless they meet specified standards; SB 1537; Harmer (R-Glendale).

Energy—Would prohibit sale of home appliances equipped with pilot lights, SB 1521; would require attic fans with installation of new central air-conditioning systems, SB 1522; would order installation of energy-conserving insulation in existing homes, hotels, apartment houses and motels before they could be sold, SB 1523; would order state to study feasibility or eliminating single-occupant trips in state vehicles, SB 1524; would prohibit certificate of public convenience and necessity to carrier where another carrier provides equivalent service more efficient, SB 1526; would create loan program for installation of energy-saving insulation, SB 1527; would allow cost of installing energy-saving devices be deducted from state personal income tax, SB 1528; would request telephone company to investigate feasibility of "Dial-a-Ride" car-pooling system, SCR94; Would urge Congress and President to open Elk Hills naval petroleum reserve, SJR 43; all by Alquist (D-San Jose).

The Day in Sacramento

From Associated Press

A Summary of Major Action Thursday, May 2

THE SENATE

Bills Introduced

School financing — Would revise school financing system to insure that districts receive a specific amount regardless of income from local property tax; SB 2360; Rodda (D-Sacramento).

Public Meetings — Would provide that University of California Regents may hold executive sessions only to consider appointment or employment of a person who is not performing services for or is not employed by university; SB 2352; Moscone (D-San Francisco).

Financial Data — Would open to the public statements of personal worth or personal financial data required by a licensing agency and filed by an applicant to establish his personal qualification for license applied for; SB 2357; Moscone.

Privacy — Would delete provisions of Public Records Act which exempt from disclosure records that are personal or similar files where such disclosure would constitute an unwarranted invasion of personal privacy; SB 2355; Moscone.

THE ASSEMBLY

Bills Passed

Welfare—Would make cost-of-living adjustments for welfare recipients who are blind, aged or disabled go into effect Jan. 1, 1975, instead of July 1, 1975; AB 3284; Foran (D-San Francisco); 57-11, to Senate.

Sale signs—Would set minimum size for sale signs for houses at 18-by-24 inches wide; would bar cities from passing ordinances allowing smaller signs but would permit ordinances allowing larger signs; AB 3301; Bannai (R-Gardena); 44-19, passage blocked by reconsideration request.

Schools—Would authorize issuance of \$150 million bonds for growth districts in the state school system and for money to meet earthquake safety requirements; AB 3236; McAllister (D-San Jose); 56-0, to Senate.

Flip tops—Would ban flip-top cans in California; Ab 3159; Z'berg (D-Sacramento); 48-10, to Senate.

Resolution Passed

Insurance—Would urge insurers to reduce automobile insurance premiums in direct proportion to decrease in accidents; ACR 196; Arnett, (R-Redwood City); Voice vote adoption; to Senate.

UC Regents: An Elite Club That Runs a Vast University

BY WILLIAM TROMBLEY
Times Education Writer

The regents of the University of California look out at the world from expensive homes and fancy offices in or near San Francisco and Los Angeles.

They are men and women of wealth and influence, and they live that way.

They drive fine cars and own boats and airplanes. They belong to the best clubs and play tennis on their own private courts.

When the Los Angeles regents travel north for a meeting they dine at Jack's or the Blue Fox and stay at quietly elegant hotels.

When the Bay Area regents must come south, a dreadful prospect to some, they seek solace at Perino's or the Bel-Air Hotel.

At least half a dozen of the 16 appointed board members are millionaires, perhaps more. Most regents consider it bad form to discuss their finances. Some think it unwise since the kidnaping of Patricia Hearst, one of five daughters of Regent Catherine Hearst.

Some regents inherited their wealth while others, like Los Angeles department store executive Edward W. Carter and San Diego attorney DeWitt A. Higgs, are self-made men.

The appointed regents range in age from 50 to 70. Most are in their 60s. All are white. Only two are women — Mrs. Hearst and Elinor Heller.

(This article is mostly concerned with the appointed regents. There are also eight who serve on the board by virtue of the offices they hold.)

(They are the governor, the lieutenant governor, the state superintendent of public instruction, the Speaker of the Assembly, the president of the university, the president of the UC Alumni Assn., the president of the state Board of Agriculture and the president of the Mechanics' Institute, one of the state's earliest educational institutions and now principally a library.)

Most governors have tried to balance Northern and Southern California appointments. Certain other constituencies are generally represented.

A Hearst usually has been on the board, partly as thanks for the many buildings on the UC Berkeley campus made possible by gifts from Phoebe Apperson Hearst around the turn of the century.

The powerful Jewish families of San Francisco have been represented consistently and so, until Gov. Reagan took office, was organized labor.

A regental appointment carries great prestige and status.

"It's the college of cardinals," said William K. Coblentz, a San Francisco attorney who was appointed by former Gov. Edmund G. (Pat) Brown in 1964.

'It's like the Order of the Garter in England.'

"For a guy like me it gives me more of an aura of respectability than I might have otherwise. When I go into court the judge will say 'Good morning, Mr. Coblentz, how is the university?' I'm not just another lawyer, I'm a regent."

Said former Gov. Brown, "It's like the Order of the Garter in England."

One hears stories around the university of wealthy Californians who have offered campaign contributions of \$50,000 or more for a seat on the Board of Regents.

The stories are denied, but Gov. Brown did say, "Everybody who contributed more than \$5,000 thought he was buying a seat."

Why do wealthy, powerful people want to be regents?

"Oh, I don't know. It was prestigious. The regents had been pillars of society long before I became governor," Brown said.

"The university is such a stimulating place . . . When you're around these professors it just gives you a good feeling."

Even now, after the troubles of the last decade, appointments are sought eagerly.

"Maybe I never had the exposure before, but one of the exciting things to me is the charisma of being exposed to eminent people," said Robert O. Reynolds, who was appointed by Gov. Reagan in 1969.

Reynolds is president of the California Angels baseball team and was formerly president of Golden West Broadcasters. He was a tackle on the Stanford University football teams in the mid '30s, the only man ever to play 60 minutes in three Rose Bowl games. He has met his share of important people.

The "eminent people" who impress Reynolds are University of California researchers—the UC San Diego oceanographers who are probing the depths of the sea or the agriculturalists who are developing better crops or farm machinery at UC Davis.

"I don't think the average person, who perhaps thinks the university costs too much, I don't think he knows what an enormous addition to the storehouse of knowledge the University of California has made," Reynolds said.

Like many other regents, Rey-



STANFORD OFFICIAL — Regent Glenn Campbell is the director of the Hoover Institution at Stanford University.

nolds has found that the job requires much more time than he had expected. He spends a week to 10 days a month on regents' business.

A clublike atmosphere surrounds the Board of Regents, especially at their monthly meetings.

Once these meetings were held on the nine UC campuses.

In the early and middle years of the last decade, when new campuses were opening at Irvine, San Diego and Santa Cruz and existing facilities were being expanded rapidly, the board moved from campus to campus, rather like a board of directors viewing new corporate acquisitions.

"Property of the Regents of the University of California" the signs said on buildings, locker rooms, parking lots, even empty fields, up and down the state, and for a time, in the booming '60s, it seemed these signs might proliferate endlessly.

But growth stopped and so did the campus meetings, after a student demonstration during a board meeting at UC Santa Cruz in October, 1968, and another at UCLA the next May.

Now the regents meet either at the UC Extension Center, just off Market St. in downtown San Francisco, or in the cavernous Los Angeles Convention Center, where the board must sometimes share conference facilities with morticians or truckers.

Even so, the camaraderie and gentility of a private club are maintained.

Secretary of the Regents Marjorie J. Woolman, a formidable woman who was once a Marine Corps officer, and her staff attend to the regents' needs—transportation, hotel accommodations, Xerox equipment.

"Do you need to know what size hat a regent wears and what degrees he has?" asked a report prepared by Miss Woolman's office. "We can even tell you whether an individual re-

gent prefers a single or a double bed, and whether he requires a board under his mattress!"

The various regents' committees (educational policy and finance are two of the most important) meet on Thursday and much of the board's business is accomplished at these sessions because most committee actions are ratified by the full board when it meets next day.

During the hectic '60s, the meetings filled two days and sometimes spilled over into the evenings. Special meetings were common. But these days the committee sessions generally end in midafternoon and the full board has usually wrapped up its business by early afternoon Friday.

Regents come and go during the two-day sessions. Sometimes a regent will appear for a particular committee meeting and not be seen again. Others sit doggedly through the tedious deliberations of committees of which they are not even members.

The important lawyers and businessmen on the board—Coblentz, Carter, Los Angeles attorney William French Smith—are called to private rooms frequently to take telephone calls.

Part of each committee meeting and part of the full board meeting are open to press and public, but other parts are held in executive session. There the regents, according to their own by-laws, are supposed to confine themselves to such topics as personnel matters and the handling of the university's billion-dollar investment portfolio.

But almost any discussion can be labeled a "personnel matter" and many controversial decisions are reached behind closed doors.

The debates about firing Clark Kerr, the university's former president, and Angela Davis, the black Communist Party member who taught philosophy at UCLA, were conducted in private although the votes on both dismissals were announced later.

The tone of the public discussions is generally polite. People who have not agreed on a substantive policy question for years nevertheless treat each other with civility.

There have been some notable exceptions to this general practice,

The tone of the public discussions is generally polite.

most of them involving the board's mavericks — Frederick G. Dutton and Norton Simon.

Dutton, a Washington lawyer and an active Democrat, once provoked an angry, red-faced Gov. Reagan into calling him a "lying son of a bitch" just after a meeting ended.

Simon, the multimillionaire industrialist and art collector, has aimed a flurry of charges at his fellow regents over the years.

In perhaps the most spectacular of these he claimed in 1970 that some regents "have been caught with their hands in the cookie jar" in dealings between the university and the Irvine Co.

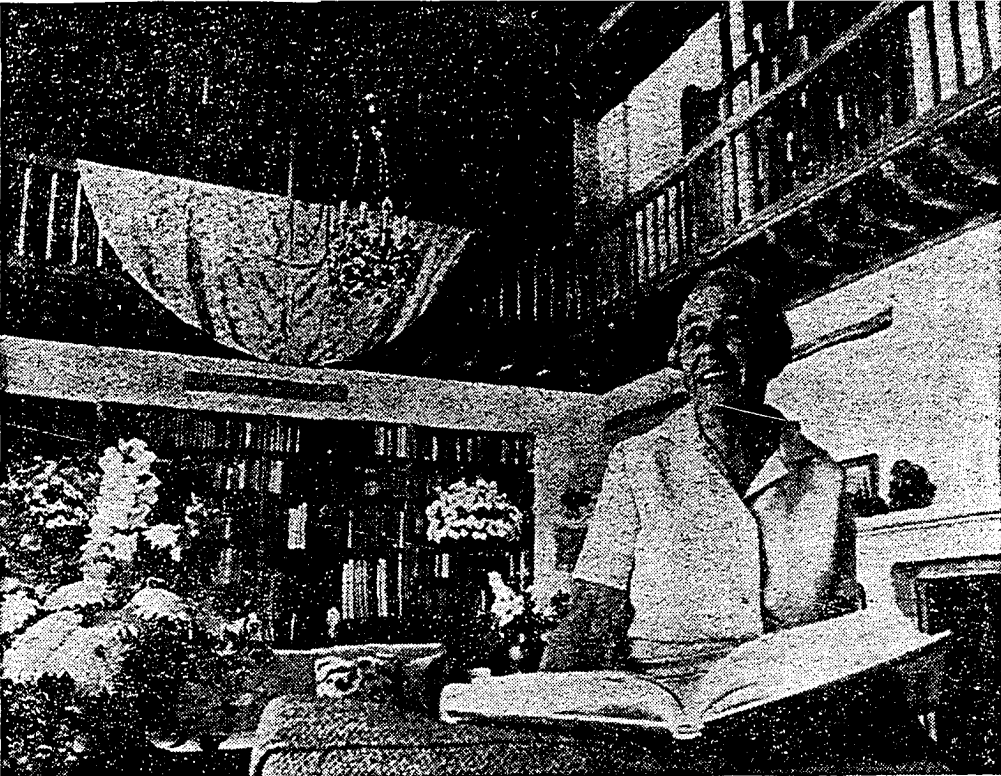
Simon never proved the charges but defends them now on the grounds that "when people get that close to getting caught . . . they get a little more cautious about the things they do to the university . . . You've got to have somebody around to attack."

For the most part, however, discussions are marked by elaborate courtesy. Most regents seem genuinely fond of one another, even when their politics or temperaments differ sharply.

Smith, a target of Simon's "cookie jar" charges, said recently, "Despite all that to-do, Norton and I are still pretty good friends."

Though much of the 106-year history of the Board of Regents has been marked by this spirit of good fellowship, there have been notable exceptions.

The board's close vote in 1950 to



WOMAN REGENT—Elinor Heller, shown at Atherton home, may become board's first woman chairman. Times photos by Bruce Cox



FORMER CHAIRMAN—Regent Dean A. Watkins, who served as board chairman for two years, is shown at plant in Palo Alto.

fire 31 faculty members who refused to sign California's loyalty oath created antagonisms that lasted for many years.

"The bitterness was something awful," said former Regent John E. Canaday, who voted to oust the non-signers at the first meeting he ever attended.

Clark Kerr recalled a party given at a San Francisco hotel in the mid '50s to try to mend the rift caused by the loyalty oath dispute.

The party was given by Edwin W. Pauley, the Los Angeles oil man and conservative Democrat who for years was one of the most powerful members of the Board of Regents.

"It was unsuccessful," Kerr said. "People were very cool to each other. I remember there was a golden bear (the UC Berkeley symbol) made of ice and it was melting. I couldn't imagine why, considering the icy temperature in that room."

But after Kerr became president in 1958, replacing Robert Gordon Sproul, he said, "The regents really did get back together. I was a new president and we faced some tough problems and the Board of Regents pulled together."

During Kerr's eight-year presidency the university opened three

new campuses, expanded three others, added to the excellent reputations of Berkeley and UCLA and took its place in the California Master Plan for Higher Education as the institution that would do most of the state's research and produce most of its doctors, lawyers and Ph.D.s.

In these endeavors Kerr had solid support from the regents, but some conservative board members objected to other Kerr actions—opening UC campuses to political speakers, even Communist Party members; making ROTC voluntary; forcing fraternities and sororities to end racial and religious discrimination.

"We did the things that needed to be done, to put the university in the right place academically," Kerr said. "Most of the regents supported me. Some of them went along with things that they personally didn't like. You have to give them credit for that."

For example, the resolution to permit Communists to speak on UC campuses was proposed by Catherine Hearst, one of the board's most conservative members, and was seconded by Carter, who was not the most outspoken liberal in the group.

But some regents went along with

these reforms reluctantly, and some did not go along at all.

"What bothered me about Clark Kerr was his constant support of ultra-liberal causes and people," said former Regent Canaday, who voted to dismiss the president in 1967.

Canaday and Pauley formed the core of a group of regents who became increasingly antagonistic toward Kerr in his last years in office.

When UC's liberalization policies won the Alexander Meiklejohn Award for academic freedom from the American Assn. of University Professors in 1964 Kerr was overjoyed.

"It was the proudest moment of my life," he said, "because when I became president the university was on the AAUP 'black list' (of institutions censured for academic freedom violations)."

But Kerr noted, "The regents weren't particularly proud."

No regent accompanied him to St. Louis to accept the award and by 1972 UC was back on the "black list" for violating academic freedom and ignoring due process in the firing of Angela Davis.

At the same time another change was beginning to have an effect on the board.

Over the years most appointed regents had been businessmen and lawyers. Among 43 regents appointed between 1920 and 1949 there were 12 lawyers, nine business executives and seven bankers, according to an analysis by Prof. George R. Stewart of UC Berkeley.

Most were Republicans, ranging in political views from the center to the far right. There were few Democrats and fewer liberals.

But Gov. Brown changed that pattern by appointing several liberal Democrats—Coblentz, Dutton, William Matson Roth and Elinor Heller, whose husband Edward served on the board for 18 years before his death in 1961.

(Mrs. Heller dislikes being called a liberal but she votes with Coblentz, Dutton and Roth more often than not.)

Brown also appointed Norton Simon, a friend since high school days in San Francisco and a major contributor to all of Brown's political campaigns. Simon frequently votes with the liberals.

As the university's empire-building phase of the late '50s and early '60s gave way to the tumult of the mid '60s a deep conservative-liberal split opened.

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UC Regents: Elite Club, Big Job

Continued from First Page

The Free Speech Movement, the "filthy speech" incident, intensification of protests against the Vietnam war—event followed quickly upon event, headline upon headline, and the regents, unaccustomed to such controversy and public notoriety, fell to bickering among themselves.

In general, the liberals, with some moderate allies, believed in searching for the basic causes of student and faculty unrest, while the conservatives were more concerned about maintaining order and punishing rule breakers.

It was a sad time for the university and for the board. Regent William E. Forbes, president of Southern California Music Co., took to wearing a black tie of mourning to meetings.

Although the liberals and conservatives quarreled over many different issues in these years, the focus of their differences came more and more to be the performance of Clark Kerr.

From the moment Kerr's strategy of negotiating with leaders of the Free Speech Movement failed, and more than 600 demonstrators had to be dragged out of Berkeley's Sproul Hall by the police, the president's job was in danger.

"Clark was accustomed to negotiating. He lives in a world of rational people, but the students were not like that," said Heller.

For about two years Kerr retained the support of a majority of regents—the handful of liberals, joined by such influential moderates as Carter and Mrs. Dorothy B. Chandler.

But the election of Ronald Reagan in 1966, after a campaign in which he promised to clean up the "mess at Berkeley," signaled the end for Kerr.

Several of the president's moderate supporters deserted him and, at the first regents' meeting Reagan attended, in January, 1967, Kerr was fired by a 14-8 vote.

This hardly ended the quarreling on the board, however.

Still to come were more student explosions—"People's Park," Isla Vista, the controversy over a course Black Panther leader Eldridge Cleaver was to teach at UC Berkeley. There were arguments about radical faculty members (Angela Davis at UCLA, Herbert Marcuse at UC San Diego) and a long, grinding conflict over the university's budget.

At a succession of regents' meetings over a two-year period former Assembly Speaker Jess Unruh, a Democrat, tried to knit together a coalition of liberal and moderate regents to oppose Reagan's budget appropriations for UC, the skimpiest the university had known for years, but he failed.

Although the regents' 16-year terms are supposed to free them from political pressure, it was clear that Reagan's landslide election victory had caused important changes in board thinking.

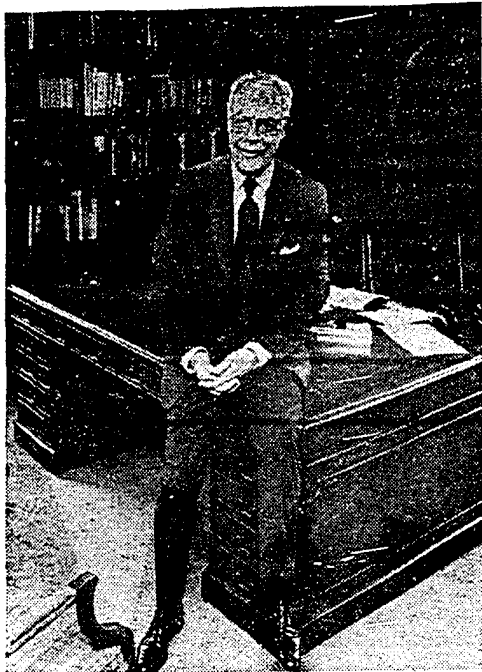
Even before the impact of Reagan appointees could be felt, the regents were yielding to the governor on such crucial issues as the imposition of the university's first tuition fee.

Carter defended that strategy during a recent interview in his office at the Broadway-Hale headquarters in downtown Los Angeles.

"It takes a long time to break in a new governor," he said. "I think Reagan now has come to realize and appreciate the value of the university, to realize what a tremendous instrument for the betterment of the state it is."

Had the regents forcefully opposed Reagan in his early years in office, this transformation would not have taken place and the university would have made an enemy it could not afford, in Carter's opinion.

But Roth argues that if the board had asserted its independence during the first budget confrontation with Reagan in the winter of 1967, the university would be in a much stronger position now.



MODERATE—Edward W. Carter, an influential moderate, is a member of the new power bloc on board. Times photo

Reagan has made eight regent appointments and, barring death or retirement, will make no more before his second term ends in December.

All Reagan's appointees have been Republicans and most share the governor's conservative political philosophy.

One of the first named was William French Smith, Reagan's personal attorney and a close friend. Another good friend, Los Angeles investor William A. Wilson, was appointed in 1972.

Like the other Reagan appointees, Wilson insists there is no "Reagan bloc" on the board but said, "I suppose there is a group of people who have the same philosophy concerning the problems of the university."

Asked to describe that philosophy, Wilson replied, "I guess it's the attitude that we have a set of rules and if they don't like the rules they should go elsewhere. If we feel the rules should be changed we'll change them for the good of the university but not to solve a particular problem."

Between 1968 and 1971 a coalition of conservative and moderate regents won a series of important votes—to fire Angela Davis, to stop the Cleaver course at Berkeley, to take back from UC administrators the authority over tenured faculty appointments and promotions (although the board has rarely if ever used this authority to block a nomination) and to hold on to the embattled "People's Park" land in Berkeley.

For the last two years or so there have been few crucial votes and the board has been relatively free from serious disputes. In part this is due to

changing times, in part to changes within the board.

There seems no doubt that the withdrawal of U.S. forces from Vietnam, and the end of the draft, have greatly calmed the student protest movement, in California as elsewhere.

The new issues—ecology, consumerism, women's rights—do not engage the passions of students as did the war and the draft, at least they have not so far.

"You don't have the dramatic events now," Smith said. "The students aren't storming the Faculty Center," a reference to the UCLA demonstration in May, 1969. "When you attend a regents' meeting now it's hard to believe those things ever took place."

Reagan seldom missed a meeting during his first few years in office, but now he rarely attends. When the governor is absent the television news cameras are missing, too, and political passions on the board subside.

(But politics does not disappear. This spring four different regents were running for statewide office—Lt. Gov. Ed Reinecke for the Republican nomination for governor; Assembly Speaker Bob Moretti and Roth for the Democratic gubernatorial nomination; and School Superintendent Wilson Riles for reelection.)

Political realignments also have helped to create a more placid atmosphere at recent regents meetings.

"The solid Reagan front has cracked," said a high-ranking university official, who asked not to be identified. "They (the Reagan appointees) have come to learn about the university and to identify with it. You can see this

very clearly in the case of Reynolds, also with (Dean A.) Watkins and Smith and even to some extent with (Glenn) Campbell."

The official deliberately did not mention Dr. John H. Lawrence, a UC Berkeley medical physicist who was first named to the board by Reagan in 1970 and then in 1972, at the age of 68, was reappointed to a full 16-year term.

Lawrence and Mrs. Hearst are probably the governor's strongest supporters on the current board.

On many if not most voting issues they would be joined by Campbell, Joseph A. Moore Jr., Smith, Watkins and Wilson (and by ex-officio Regents Reagan, Reinecke and Allan Grant, president of the state Board of Agriculture.)

Liberals Coblentz, Dutton and Roth often are joined by Mrs. Heller and Norton Simon and by UC President Charles J. Hitch, Moretti and Riles from the ex-officio ranks.

A third group, less predictable in its voting, includes Carter, Forbes, Higgs and Reynolds.

Little is yet known about David J. McDaniel, who became a regent when he was elected president of the Mechanics' Institute in April, or George H. Link, who will begin a one-year term as alumni representative July 1.

There have been few opportunities to observe the new voting lines, however, for there have been few controversial votes in recent months.

A decade ago Carter and Pauley were the most influential board members. Pauley was so powerful it sometimes seemed he, and not the president, was running the university. Meetings of the regents' investments committee were held in Pauley's private offices in West Los Angeles.

But Pauley's influence declined in recent years, as his health failed, and he left the board in 1972, after serving 32 years.

Carter, busy with his rapidly expanding business empire and with national assignments such as membership on the Cost of Living Council, devotes less time to regents' affairs than before.

The new power bloc includes Smith (the new board chairman), Watkins (chairman the last two years), Higgs, Reynolds and Mrs. Heller, with Carter playing a key role when he chooses to do so and Wilson gaining influence rapidly.

Mrs. Heller served as vice chairman one year and may even be elected chairman before her term expires in 1976, though no woman nor any regent even faintly connected with the liberal wing has ever been so honored.

The board's outsiders are Dutton and Simon.

Dutton, 50, concedes that he plays a gadfly role and agrees with the criticism that he frequently raises important issues at meetings, only to drop them without developing all of their facets or mustering the votes to change board policy.

"For one thing I'm not wealthy enough to devote that kind of time to it and I'm not in the state enough," said Dutton, whose law practice is largely in Washington, D.C. "But more seriously, you mustn't bring some of these things to a vote until they're ready for a vote."

"My criticisms serve a purpose," he added, "just to get the issues discussed in the press and so forth."

Said Simon, "You have to understand my strange style of working . . . I'm operating from the position of not being 'one of the boys.'"

This stance has served him well in corporate battles and, Simon believes, has also been effective within the Board of Regents.

He cited changes in the

board's investment policies, decentralization of the UC administration, fending off development of additional campuses and protection of the non-commercial buffer zone around the UC Irvine campus as examples of his influence.

Simon takes pride in the fact that students accepted him when they would have nothing to do with other wealthy regents.

"During that ruckus at the UCLA meeting there were only three of us (Coblentz and Dutton were the others) who weren't afraid to go out and talk with the students," he said. "Pauley had to come out with six cops."

"I'd like to be accepted," Simon said, "but I don't want to be accepted on their terms," referring to

Carter, Pauley and other board powers over the years.

As the rancor of the recent past has dissipated, the board has returned to the clubby atmosphere of earlier years.

Meetings are shorter, arguments fewer and there is more time to enjoy such social treats as dinner at Chancellor Charles E. Young's handsome house on the UCLA campus or at the St. Francis Yacht Club, where Dr. Francis A. Sooy, chancellor of the UC Medical Center in San Francisco, is a member.

The meeting agendas

have become so bland that a few months ago Regent Simon accused Hitch of staging "dog and pony shows" that take a lot of time but do not involve the regents in significant policy decisions.

There is no shortage of such questions.

Many of them are caused by the transition from the growth period of the '50s and '60s to the "steady state" of today, in which enrollments are leveling

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UC REGENTS

Continued from 7th Page
off, few new programs are being started and budgets are increasing little if at all.

"We've really got to come to grips with where our campuses are going and specify certain roles for certain campuses," said Mrs. Heller. "An important part of that is to realize that we are not going to develop our graduate schools on all campuses the way we once thought we would."

The university's relations with the Legislature also present a serious problem.

A few years ago UC was pitted against Gov. Reagan and his Department of Finance but in recent years, while the governor has grown more generous with the university budget, new criticisms have been voiced by liberal Democrats in the Legislature.

They do not think UC has done enough for low-income students, especially those from minority races, and they are troubled by the university's elitism.

"From the state's point of view this should be maintained as the quality research entity. The state requires it," said Roth. "But there is a group in the Legislature which, in the name of ersatz democracy, wants to level everything out. The regents must oppose this strongly."

But the board is hesitant about battling too vigorously while the Legislature is considering measures that would shorten regents' terms and change the way they are selected.

UC's political clout has been weakened in the last decade by the rapid growth of the California State University and Colleges system, which now has twice as many campuses and more than twice as many students as UC and can thus bring local political pressure to bear on more legislators.

"The University of California will play much less of a dominant role than it did," Campbell said. "The State University and Colleges have come of age and the community colleges are much more important than they were. This was inevitable in an age of mass higher education but

it doesn't make our adjustment to it any easier."

Another important task facing the board is the selection of a new president to replace Hitch, who is 64 and has worked at a somewhat reduced pace since a mild heart attack three years ago.

Behind many of these issues lies a fundamental, unanswered question — should the regents decide important policy questions and order top administrators to implement their de-

cisions, or should the board hire the best administrators possible, let them make the policy decisions and fire them if things go wrong?

There are strong advocates of each position and in recent years the board has done a little of both.

In all probability neither this nor any other vital question will be decided in the near future, however, for the regents are too pleased with the new serenity that has settled over the board and with the gradual return of their prestige and status to tackle any problems that might lead to acrimony.

The Day in Sacramento

From Associated Press

A Summary of Major Action Thursday, June 27

THE SENATE Constitutional Amendments Passed

Tuition—Would give the Legislature authority to set tuition and fees for campuses of the University of California rather than the Regents; SCA 85; Vasconcellos (D-San Jose); 31-5; to ballot.

Regents—Would cut the terms of regents of the University of California from 16 to 12 years and allow one faculty member and one student to become voting members of the board; SCA 45; Rodda (D-Sacramento); 27-1; to ballot.

Bills passed

Spark—Would prohibit the sale of gas appliances in the state after Jan. 1, 1977, with pilot lights and would require all such appliances to have intermittent ignition devices; SB 1521; Alquist (D-San Jose); 27-5; to Assembly.

THE ASSEMBLY Constitutional Amendment Passed

Residency—Would bar local government entities from requiring their employees to reside in a specified town; ACA 103; 63-0; Berman, (D-Los Angeles); to ballot.

Bills Passed

Acupuncture—Would in effect legalize acupuncture by unlicensed persons in specified situations; AB 1691; 65-0 on conference committee report Duffy (R-Hanford); to governor.

RTD — Would double monthly attendance fees paid to board of directors of the Southern California Rapid Transit District; AB 3808; Greene (D-Los Angeles); to Senate.

Housing — Would create state housing finance corporation capable of issuing up to \$500 million in state bonds; SR 1634; 61-6; Zenovich (D-Fresno); to Senate for amendment concurrence.

Smoking — Would permit school districts to authorize smoking on high school campuses except by pupils whose parents object; SB 71; 41-34; Gregorio (D-San Mateo), to Senate for concurrence in amendments.

Rape—Would prohibit, in rape trial, instruction to jury that it may be inferred that victim who previously consented to sex with other persons would be more likely to consent again, and that sexual conduct may be considered in judging character of victim for truth and veracity; AB 3660; 64-0; Sieroty (D-Beverly Hills), to Senate.

Transit—Would authorize, if approved by voters, Orange County Transit District to impose 1% sales tax for rapid transit; AB 3951; 61-3; Briggs (R-Fullerton), to Senate.

Bill Defeated

Bonds—Would permit issuance of revenue bonds by public agencies for purposes of attracting industry into the state; AB 4365; 26-33; Russell (R-Tujunga).

Sweeping Changes in UC Operations Urged by Regent

BY WILLIAM TROMBLEY

Times Education Writer

University of California Regent Norton Simon called for sweeping changes in UC operations Wednesday, and said UC officials are guilty of inefficiencies and mismanagement.

In a wide-ranging interview in his Los Angeles office, the multimillionaire investor and art collector, a regent since 1958, proposed these changes for the UC system:

—UC Berkeley, UCLA and probably UC Davis and UC San Diego should be retained as comprehensive campuses, with extensive Ph.D. and research programs, but several other campuses—probably Irvine, Riverside, Santa Barbara and Santa Cruz—should confine themselves largely to undergraduate instruction.

They would become, in effect, state colleges.

"I think there would be a big saving," Simon said. "That's the way you save money and beat inflation."

—At least one large campus, probably UCLA, should be converted to year-round operation, "so the enormous investment in physical plant and libraries is not wasted in the summer months."

—Tuition fees should be varied, to build up enrollment at UC Riverside while discouraging attendance at overcrowded campuses like UC Davis.

—Television should be used widely throughout the university, to cut instructional costs.

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SIMON CHARGES

Continued from Third Page

—The office of university treasurer should be expanded and upgraded to improve the handling of UC investments, especially its bond portfolio.

—UC should not buy more property, nor build additional facilities on existing campuses, until these efficiencies have been achieved.

Simon, 67, said the practices of UC officials were contributing to the nation's inflation problem.

"The reason I'm raising these issues now is inflation, more than education," he said.

"The basic problem is bureaucracies in conflict, stifling creativity. It's happening in government, in the universities, in half the companies in America.

"Everybody is fighting for their own ego and status. They refuse to look at new solutions that would upset the status quo. There is no creativity, no imagination."

Simon's proposals came on the eve of the first regents' meeting of the new academic year, a meeting at which the regents will get their first look at the budget UC administrators are suggesting for the 1975-76 academic year.

Reports are circulating that the request will be substantially higher than the \$504 million operating budget the university sought from the state a year ago.

Simon believes the new budget reflects "the same old bureaucratic thinking," without careful consideration of alternative policies.

He said limiting Ph.D. training and large-scale research to three or four UC campuses not only would save money but also would acknowledge the oversupply of Ph.D.s in some academic areas and the shrinking supply of outside research money.

However, the proposal runs counter to UC's present plan to develop eight general campuses, though some of the newer, smaller campuses are to be developed more slowly than originally planned.

Simon has been urging year-round operation of UC campuses for several years.

The university started to change to year-round in the mid-1960s, first switching from the semester system to the quarter system and then introduc-

ing summer quarters at Berkeley and UCLA.

When budgets tightened and enrollment showed signs of leveling off in the late 1960s, however, officials abandoned the plan.

"It seemed a marginal program to carry on in light of the changing enrollment situation," said Loren Furtado, UC director of the budget.

UC officials also claim that the short-term increases in teaching costs required for year-round operation would be greater than the long-range savings in new building costs.

But Simon insisted that year-round would be efficient and financially wise at a large urban campus like UCLA, where many students are commuters and where there is a large potential adult enrollment in the summer.

Simon also would like to lower tuition at UC Riverside to "whatever it takes" to attract enough students to the inland campus to solve its chronic low-enrollment problem.

Tuition and fees now average about \$650 on the nine UC campuses.

"Instead of building more buildings, let's get the enrollment up at Riverside and use UCLA all year," Simon stated.

He criticized the handling of UC's investment funds, which have dropped sharply in value in recent months.

"Some of this is second-guessing," Simon conceded. "Everybody's had things go down lately. But they handle these funds like kids. I can guarantee you I haven't had any such losses on my personal investments."

Much of the problem can be traced to the cautious, understaffed office of UC Treasurer Owsley B. Hammond, according to Simon.

He said Hammond is forced to handle more than \$1 billion annually in investments, real estate holdings and other financial transactions with a staff of only seven professionals, most of them underpaid.

"We need more visits to companies, more ears to the ground," Simon said, in order to make intelligent investment decisions in today's troubled market.

He especially criticized the failure to buy and sell bonds in time to take advantage of good opportunities.

Reforming the Regents: Yes on Prop. 4

Los Angeles Times (1886-Current File); Oct 11, 1974;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. C8

Reforming the Regents: Yes on Prop. 4

Proposition 4 on the November ballot offers an opportunity to reform and make more responsive the Board of Regents of the University of California.

Under its provisions, terms of the regents would be shortened from 16 to 12 years, and the composition of the board would be changed.

Supported by the university and by Wilson Riles, state superintendent of public instruction, the measure is designed to preserve the independence of the university but make it more responsive to the needs of Californians.

At present, there are 24 regents, 16 appointed by the governor and 8 exofficio members—the governor, the lieutenant governor, the Speaker of the Assembly, the superintendent of public instruction and the presidents of the university, the alumni association, the California Board of Agriculture and the Mechanics Institute of San Francisco.

Proposition 4 would eliminate the seats reserved for the Board of Agriculture and Mechanics Institute and give the governor two additional public appointments. It also would add the vice president of the alumni association as an exofficio member, and would permit the regents to add a member of the faculty and a student at their discretion and

under guidelines that they might establish.

An advisory committee would be created to help the governor select nominees, but his appointments would continue to be subject to Senate confirmation. The regents are defined as "persons broadly reflective of the economic, cultural and social diversity of the state, including ethnic minorities and women," but the proposition also states that formulas or specific ratios in the selection of regents are not intended.

Opponents have protested the removal of the president of the agriculture board and the addition of the alumni vice president and faculty and student members. Proponents argue, we think correctly, that the new formulation better represents the whole state. The addition of the alumni vice president recognizes the phenomenal growth of the various campuses. The faculty and student members could add valuable perspective for deliberations of the regents.

Proposition 4 was drawn by Sen. Albert S. Rodda (D-Sacramento), chairman of the Senate Education Committee, following a year-long battle over governance of the university. We believe it provides an acceptable compromise and merits a Yes vote Nov 5.

Tuition: Yes on Prop. 16

Los Angeles Times (1886-Current File); Oct 30, 1974;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. D12

Tuition: Yes on Prop. 16

Proposition 16 on the ballot next Tuesday would take the power to set tuition at the University of California away from the UC Regents and give it to the Legislature—subject, of course, to the governor's veto. We support the proposition.

Whether to have UC tuition at all—and, if so, how much—are intimately bound with other aspects of public policy and university financing over which the Legislature has control. We believe, therefore, that the matter of tuition is properly the responsibility of the elected representatives of the people, not of the appointed regents.

The regents do not as a body oppose this proposition. We recommend a Yes vote on Proposition 16.

Voters Approve Changes in UC Regents Board

**But 3 Other Proposals
on Higher Education
Are Rejected at Polls**

BY WILLIAM TROMBLEY

Times Education Writer

California voters decided Tuesday to reduce the terms of University of California regents from 16 to 12 years and to alter the makeup of the board.

They did it by approving Proposition 4 by a 55%-45% margin. It was the only one of four higher education propositions to pass.

Voters turned down proposals to let the Legislature rather than the regents set tuition at U.C. to add the Senate President pro tem to the Board of Trustees of the California State University and Colleges and to exempt from Civil Service three top staff jobs on the state's new Post-Secondary Education Commission.

But the regents' measure won easily.

It removes Allan Grant, president of the state Board of Agriculture, and David J. McDaniel, president of the San Francisco Mechanics Institute, from the board immediately.

They will be replaced by two additional public members to be appointed by Gov.-elect Edmund G. Brown Jr. in 1977.

Proposition 4 also adds a second UC Alumni Assn. representative to the board and permits the regents to name student and faculty members if they wish.

The new alumni representative will be Edward A. Morris, a San Francisco attorney and a graduate of UC Santa Barbara, the first from that campus to serve on the Board of Regents.

For the present, the proposition reduces the board from 24 to 23 members. But it will grow to at least 25 in 1977 and to 27 if the student and faculty representatives have been added by then.

The new board is expected to be more liberal, with Brown and Lt. Gov. Mervyn M. Dymally replacing conservatives Ronald Reagan and John L. Harmer.

With the addition of more public members and board vacancies due to expiring terms, Brown will be able to make regental appointments in 1976, two in 1977 and two in 1978—appointments which presumably will change the nature of the board considerably.

The question of adding the student and faculty members remains in doubt.

In the past the Academic Council, representing faculty members on all nine UC campuses, has opposed faculty representation on grounds that the faculty already has adequate access to the regental decision-making process and that the board should not have "special interest" representatives.

However, Alexei A. Maradudin, professor of physics at UC Irvine and chairman of the Academic Council, said Wednesday the faculty group "is studying the matter rather carefully."

UC student leaders definitely want representation.

They will propose a selection process which involves screening of candidates on all nine campuses, with the final choice to be made by the UC Student Body Presidents Council.

UC President Charles J. Hitch said he would ask the regents' reorganization committee to study whether there should be student and faculty

BOARD OF REGENTS

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members on the board and, if so, how they should be selected.

Hitch said he favors the idea but does not want student and faculty members who represent only the narrow interests of their constituencies.

"I like the trustee concept," Hitch said. "I think a regent should be a trustee for the whole university, voting his conscience as to what's best for the university, not for a particular interest."

Voters turned down Proposition 14, which would have added the Senate president pro tem to the California State University and Colleges governing board, by a 51%-49% margin.

They also refused, 58% to 42%, to let legislators set tuition levels at the University of California, as they do for the California State University and Colleges system.

UC took no position on this measure and President Hitch said "the arguments pro and con were very close." However, he added, "on balance, I'm pleased it was defeated. I think it is a useful precedent for the voters to decide they don't want to transfer authority from the university to the Legislature."

Proposition 3, which would have exempted from Civil Service the top three staff jobs on the new California Postsecondary Education Commission, also was soundly beaten, 57% to 43%.

Several commission members said they feared this would make it difficult to obtain a first-rate director for the new agency, which is supposed to plan and coordinate all of

the state's education beyond high school.

"This really puts us into a second-echelon position," said commission member Roger Pettitt, a Los Angeles attorney. "We might just as well stop looking for the equivalent of a top university president."

The \$50,000-a-year directorship has been vacant since the commission was established seven months ago.

Hitch said he thought Proposition 3 failed because "people remember their high school civics courses, which taught them that civil servants are splendid and political appointees are bad. These really weren't political appointments but they looked a little like it."

Another election development with ramifications for education was the defeat of Assemblyman Ray Gonzales (D-Bakersfield), who was in line to be chairman of the Assembly Education Committee.

Sacramento sources speculated that the chairmanship now might go to Joseph B. Montoya (D-Los Angeles).

FACULTY UNDECIDED

Students Want Seat, UC Regents Learn

BY WILLIAM TROMBLEY

Times Staff Writer

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Student Representation on UC Board Sought

Continued from 8th Page

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However, committee and board action on the faculty regent may not come for several months.

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Continued from 8th Page

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UC Students Seek Regent Seat

WILLIAM TROMBLEY

Los Angeles Times (1886-Current File); Dec 11, 1974;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. D1

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In another action Tues-

day, the reorganization

committee agreed to let

the UC president make

certain appointments, pro-

motions, demotions and

dismissals of campus and

laboratory executives

without getting board ap-

proval.

Such actions have trig-

gered a few angry board

debates in recent years,

especially the replacement

last summer of Dr. James

L. Born as director of the

Donner Laboratory at UC

Berkeley.

The committee also ap-

proved a 1975-76 meeting

schedule that includes two

campus visits—UC Irvine

next November and UC

Davis in March, 1976.

The action was taken

even though some regents

were upset about their ex-

periences at last month's

meeting on the UC Santa

Barbara campus, where

demonstrators protesting a

variety of issues briefly in-

terrupted the group's dis-

cussions.

If the next campus

meeting "goes anything

like the one in Santa Bar-

bara, I would suggest we

go back to the Extension

Center and the Convention

Center," said Wilson, refer-

ing to the San Francisco

and Los Angeles buildings

where most regents meet-

ings are held.

Higgs said he was "dis-

appointed" by the Santa

Barbara disruptions but

added, "What happened

there was not at all repre-

sentative of the attitudes

of the students either at

Santa Barbara or on the

other campuses."

A Student as Regent?

Los Angeles Times (1886-Current File); Jan 15, 1975;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. D4

A Student as Regent?

Students representing all campuses of the University of California have advanced a persuasive argument for exercising the option of having a student sit on the university's board of regents. We think the regents should act immediately to implement the proposal.

In the election last November, Proposition 4 was approved. It provided for a restructuring the board, and made additional provision, at the discretion of the regents themselves, for a faculty and a student member.

Faculty members are not yet in agreement on whether to support a plan for a faculty member.

But the students have developed a sound and reasonable plan for taking advantage of the opportunity to have a student member, and they have supported their proposal with a survey of how well this has worked in other states.

The premise of the student leaders is that the student regent should not be considered a student representative. To this end, they have suggested that elected student leaders be excluded from consideration. Rather, they propose that the student leaders canvass all UC campuses for the students

best qualified to contribute to the Board of Regents. A statewide selection committee would nominate three students each year. The regents themselves would choose from the three.

As the students themselves have argued, a student regent could bring a dimension and a perspective to the board that do not now exist. It seems to us that these could be important and useful additions to a body that already brings together a group with diverse backgrounds in the professions, politics, cultural life and other communities within the state.

The screening procedures suggested by the student leaders demonstrate the responsible way in which the proposal has been developed. But, for anyone who remains dubious, there is a safeguard: The plan is subject to annual renewal, and therefore annual reappraisal, as the regents consider the nominees for each year.

The committee of the regents responsible for this matter meets today. We urge the committee to give the proposal full support so that the regents can include a student member for the next academic year.

Move On to Lessen Student Regent Role

Board Control of Screening Panel May Be Proposed

BY DON SPEICH
Times Education Writer

A group of conservative University of California regents is staging a quiet move to significantly lessen—if not eliminate—the influence of UC students in the selection of a student regent.

If successful, the net result may well be that student leaders—who have fought long and hard for the appointment of a student regent—will boycott the selection process.

At a meeting of the Regents Committee on Reorganization Wednesday in San Francisco, a recommendation is expected to be made that candidates for student regent be screened by a panel made up of five regents and four students. The panel's recommendation would then be sent to the full board for approval.

If adopted, this would give regents control over the selection process from beginning to end. This is vastly different from any selection process—all of which gave students more of a voice—ever seriously discussed in public by regents.

The move has caught students, as well as many regents and university officials, by surprise. And it appears likely that the proposal will touch off a fight pitting conservative regents who are behind the move against students and liberal regents at Wednesday's committee meeting and at a meeting of the full board Friday.

William Coblentz, a liberal member of the reorganization committee and a leader in the move for a student regent, said he knew nothing of the proposal until he received the committee meeting agenda late last week. He said he would oppose it.

Exactly which conservative regents on the 10-member committee are pushing the proposal is not certain.

One liberal regent, Frederick G. Dutton, said the move is clearly an example of "manipulation by older regents."

DeWitt A. Higgs, a moderate-to-conservative regent who is chairman of the committee, declined comment on the issue.

Larry Miles, undergraduate student body president at UCLA and chairman of the universitywide Student Body Presidents Council, said his group, which has led the campaign

for a student regent, voted Friday to "completely reject" the proposal. If approved by the regents, he said, "there will be no student regent."

The regents reorganization committee for the last two months has been considering two issues: whether to add a student to the board (as authorized by California voters last November) and, if so, what procedure should be used to select that student.

Until a few days ago sources close to the committee felt it was a virtual certainty that the committee would vote to add a student to the board—and would authorize a selection procedure which, by all indications, would be agreeable to students and most regents.

Under that procedure, two panels—composed of students from UC campuses in Northern and Southern California—would select a total of three students as candidates for the board seat. From these, the regents would select the student regent.

Many sources still feel that in the end it is this proposal that will be adopted by the full board.

However, about midweek rumors began to spread that the committee, or at least some of its conservative members, secretly had decided to push for a new procedure.

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STUDENT REGENT

Continued from Third Page

The rumors were confirmed Thursday when agenda materials were received by the regents. Included were two proposals for the selection of a student regent. One called for the student panel screening process. The other recommended the regent-dominated panel. Neither proposal was included in the agenda packets sent to the press.

Miles, chairman of the student presidents council, said he first received an inkling that something was in the works during a conversation with UC President Charles J. Hitch on Wednesday. Miles said Hitch, a member of the reorganization committee, asked him what he would think of a regent-student panel screening process.

"I told him I was quite confident that the presidents (council) would

oppose it and that personally I found it unbelievable," Miles said.

Up until Thursday, Miles' biggest problem was trying to hold together a compromise between students and regents over the issue.

The compromise was the proposal for two student panels to submit a list of three candidates to regents, who would make their final selection from that list.

Originally, the students wanted sole responsibility for selection of a student regent. But when student leaders encountered some regental opposition to that, they fell back to the compromise plan, which appeared to

have regental support.

Then came word of the new proposal to give regents total control over the selection process. Student leaders voted to reject that proposal and for a time seemed angry enough to forget the whole thing. In the end, though, they agreed to continue supporting the compromise plan.

Coblentz indicated he supported the students' position.

"I originally said I think it is terribly important that we don't interfere with the selection process," he said.

"It certainly is my intention to allow the students to pick their own (regent) as long as it is done in a

democratic way."

Besides, quipped Coblentz, "we get enough nuts appointed (to the board) by the governor. Why not let the students appoint one?"

There seems to be no doubt that a majority of regents favors appointment of a student regent, despite the disagreement over how that student should be chosen.

At last month's board meeting, Gov. Brown, who supports the appointment of a student regent, attempted to get the regents to commit themselves on the question.

The vote was never taken because most regents felt it would be improp-

er before the reorganization committee had completed its work.

Nevertheless, Brown, in effect, won his point. By the time the discussion was over, about 11 regents said they would vote to create a student seat on the board.

When the votes of other regents known to favor a student seat are added, the total is more than a majority of the 23-member board.

Regents Should Stick to Their Bargain

Los Angeles Times (1886-Current File); Feb 11, 1975;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. D6

Regents Should Stick to Their Bargain

The frustration of University of California student leaders is understandable. They had entered into a constructive and appropriate compromise on the means for selecting a student member of the university's Board of Regents, and now that compromise is in jeopardy.

It may be in jeopardy because some regents want to play a larger role in the selection process.

Under the agreement with the students, the students would provide three nominations for student regent. The final choice would have been left to the regents. Furthermore, the presentation of three names was to be undergirded by a rigorous search procedure designed to bring from all of the campuses of the university the names of the students best qualified to make a real contribution to the regents.

In other words, the students had prepared a plan with the likelihood of choosing outstanding young people to fill that one seat on a one-year basis, a

process that in many ways is more thorough and better organized than the search-and-nomination procedure for regular members of the board.

Student leaders have excluded themselves from consideration to avoid any implication that the student regent is intended to represent or speak for students. They wisely concluded that the student regent should be, like other regents, qualified in the person's own right. The student would bring the perspective of being a student, just as a lawyer or a businessman brings that background to the board.

The movement to undo this agreement now is a manifestation of unwarranted suspicion of the student leadership. Those who press for further restrictions on the student role in the selection process must know that the consequence of their move would almost certainly be no student at all on the Board of Regents. That would be a serious mistake.

Inclusion of Student on UC Board of Regents Advances

Key Committee Spurns Attempts to Defeat Plan; Full Group Slated to Ballot on Proposal Friday

BY DON SPEICH
Times Education Writer

SAN FRANCISCO—A key committee of the UC Board of Regents voted 4 to 3 Wednesday to add a student regent to the board, defeating attempts by some conservative regents to prevent or delay the move.

The action, which must be ratified by the full board at a meeting Friday, would seat a student regent with full voting powers, selected through a process proposed earlier by UC student leaders.

In a related move, the same committee voted 5 to 2 to seat a nonvoting faculty member on the board. Faculty members indicated at a meeting last month that they did not want a vote for their representative.

Under the selection procedure adopted, two panels—composed of students from UC campuses in Northern and Southern California—would nominate a total of three students as candidates for the board seat. From these, regents would make the final selection.

A counterproposal, which would have given regents the upper hand in the selection process by creating, in effect, a screening panel of five regents and four students, was barely discussed at Wednesday's meeting of the regents reorganization committee.

Two other proposals that did surface were beaten down, but narrowly.

The first, from conservative Regent Dean Watkins, would have blocked the formal seating of either a student or faculty regent, but it would have allowed student and faculty leaders to participate informally in such regental matters as closed sessions of the board, something which students cannot now do.

The second from Regent William Wilson, another conservative, would have established a nonvoting student regent.

Wilson objected that the student regent would represent a special interest group and therefore would

Please Turn to Page 3, Col. 5

STUDENT REGENT

Continued from First Page
find it impossible to be objective when student-related issues came before the board.

"The idea that they are advocates and we are not is simply not the truth," responded Regent Frederick G. Dutton, a liberal leader in the move for a student regent.

The counterproposal barely discussed Wednesday, which would have created a regent dominated screening committee, did draw pointed comments from UC President Charles J. Hitch.

Hitch dismissed reports that the proposal was instigated by a group of conservative regents and was intended to weaken the influence of students in the selection of a student regent.

"No one is responsible for this (proposal) except me," said Hitch, who added he was quite taken aback by the "furore" which resulted from news reports of the proposal. Proposition 4 passed by California voters last November authorized the appointment of faculty and student regents.

STUDENT REGENT

Move by UC Shatters Tradition

Liberals and Moderates on Board OK Proposal 15-5

BY DON SPEICH

Times Education Writer

SAN FRANCISCO—The University of California Board of Regents broke with tradition Friday and voted 15 to 5 to seat a student on the board for the first time.

Liberal and moderate regents, including Gov. Brown, supported the student appointment and only the board's hard-line conservatives opposed it.

The student regent will have a vote in all board matters and will be selected through a process proposed by UC student leaders. Under law, the student cannot be seated on the board before July 1.

In a related move, the board approved establishment of a faculty representative to the board. But, at the recommendation of the UC faculty Academic Council, the representative will not have a vote nor be designated as a regent.

"I want to (be on record) as against a student regent," said Dean Watkins, a leading board conservative. "I have heard no persuasive argument for it."

He said the concept of a student regent amounted to "bad government."

His sentiments appeared to be shared to one degree or another by Regents Glenn Campbell, Dr. John Lawrence and William Wilson, all of whom voted against the proposal.

Board Chairman William French Smith, who also voted against it, said he was not necessarily opposed to the idea of a student regent, but disagreed with the proposed selection procedure.

Regent DeWitt Higgs said he had reservations at the outset, but he changed his mind because he was particularly impressed with the ar-

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UC Regent Brown Stirs Up the Board

**Governor's Inquisitive
Style, Attitude Irk
Some Other Members**

BY DON SPEICH
Times Education Writer

Gov. Brown leans back in his chair looks out at the audience and runs his hand impatiently through his hair, a veil of bemusement slowly clouding his usually animated dark brown eyes. And, if only half-heartedly, California's governor listens.

Speaking this blustery and rainy March day in San Francisco is University of California Vice President C.O. McCorkle Jr. He is attempting to explain the proposed UC 1974-78 academic plan, a somewhat obtuse and equivocal document.

"I find the plan difficult to read and too abstract," interrupts Brown, his eyes, now clear and excited, glancing at notes he has hastily made to himself on a yellow legal note pad. "I would like to focus on something more concrete and come down from the clouds."

McCorkle, as well as other top UC administrators attending this special UC Regents' committee meeting, squirm in their chairs and become visibly agitated.

They, like others in the room, know that Brown—the relentless and impatient inquisitor who mixes rudeness (plus traces of pomposity and sanctimony) with charm in his self-appointed role as academic iconoclast—is at it again.

When Brown became governor in January he also became a UC regent and a trustee of the California State University and College system. His unorthodox performance during deliberations of these two groups has higher education officials pondering whether Brown is a restless intellectual with a deep commitment to higher education or simply a boyish gadfly.

A few statements and then the questions, this is the Brown style. He will question anything and everything, and usually does. Why is a medical school needed at UC Irvine? Why is it better to have small numbers of students in a class? Why does UC need more money from the state? Why this and why that, a staccato of questions.

Through all this, the governor, his impatient and quick mind indulging in intellectual mind games with any and all comers, appears to be having a very good time.

It is difficult to say the same for those administrators, regents and trustees who have been at the receiving end of the Brown blitzkrieg into California public higher education.

In interviews with *The Times*, UC and state university system officials, all of whom asked not to be identified, expressed views ranging from ambivalence to anger about Brown's performance thus far in higher education. No one had no opinion.

One trustee, appointed by Brown's predecessor, Ronald Reagan, found it particularly irksome that Brown arrived at a meeting in a small compact car and then treated trustees and state university officials with what that trustee regarded as a holier-

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microfilm.

A MAN OF MANY QUESTIONS — Gov. Brown, in his role as trustee of the State University and College system, talks with Robert Hornby, chairman, at board meeting. Brown also serves as a UC regent. AP photo

Regent Brown Making Waves

Continued from First Page

than-thou arrogance.

"I think he has great materialistic humility but very little personal humility as demonstrated by the way he has very little patience with anyone's position but his own," said the trustee (who drives a large luxury car), his voice trembling with anger.

"I knew his dad (former Gov. Edmund G. Brown) and I knew Reagan . . . he's entirely different," the trustee said.

And indeed he is. He not only attends more meetings of the regents and trustees than they ever did, but when he is there he participates and participates, extending meetings—which prior to his arrival on the two boards would have ended in the mid-afternoon—to the early evening hours. Reagan usually sat and said little; anything he wanted to ask, anything he wanted answered, or anything he wanted the regents or trustees to do, he accomplished behind closed doors, out of the public eye. Not so Brown, who rarely lets an agenda item slip by, however innocuous, without firing off at least one question.

The governor's prolonging of meetings is getting so bad, one regent said, that a group of regents planning to meet within the next few weeks for a discussion of the complicated medical school situation is not inviting Brown.

"If Jerry were there, we wouldn't get anything done," the regent said. So he won't be told about it, and when it is all over, a delegation from the committee will travel to Sacramento to tell the governor what happened."

Why is Brown spending so much time with higher education in general and the UC Board of Regents in particular?

"He feels comfortable there," one UC official said. "He has spent most of his life at school," the official added, a reference to the fact that Brown went from UC Berkeley to a Jesuit seminary for four years and then to Yale law school.

If, as has been said, Brown does feel at home in higher education, it seems apparent he thinks the home should be tidied up. Most particularly he thinks the household members are going to have to learn to live with the current, bleak economic facts of life. They must forget the total redecoration they had in mind for next year and be happy they live in a good neighborhood and have a solid roof over their heads.

"I have a feeling that in life we will always have to live with less than we

need, otherwise it would be harmful to our personal psychology," Brown said at one regents meeting.

Brown the spartan bachelor expounding the value of self-deprivation to the wealthy corporate attorneys and conglomerate executives on the Board of Regents—this, too, is part of his style. An impish laying on of the hands, a feigned left jab to the solar plexus.

"To me," said one of the board's more affluent and conservative members, "he is kind of a puzzling mixture of liberal dogma and common sense."

"He is liberal up to the point of spending money. And listening to him when he talks at the meeting I find scattered through the hogwash that comes out of his mouth a few pearls of wisdom."

"When he says, 'We have to stop serving automobiles and start serving people,' that's nonsense. But when he says people can't always have everything they want, that's common sense."

And then there is Brown the moral prodder, telling UC administrators they are getting paid too much, and that during times of economic hardship people in high positions should be exemplary models of doing without. Leaders, after all, should set an example for those they lead.

For instance, Brown told the regents, the \$47,000 annual salary to be paid to the new director of the UC Davis hospitals and clinics was much too much. So is the \$59,500 a year to be paid to UC President-designate David Saxon, said Brown, who added that he had voted for Saxon but against his salary.

The governor proudly pointed to the fact that he makes only \$49,100 and the state director of health is paid \$40,000.

"Certainly the director of health has more responsibilities than the director of a hospital in one city. That's axiomatic," Brown said.

Certain jobs, Brown continued, "offer intellectual . . . psychic opportunities." When one leaves such posi-

tions, he said, some "rather choice" opportunities come to that individual.

"I think there is some attractiveness (to the position of) chancellor of a university that far transcends dollars," he said.

"Jerry doesn't really understand (financial) compensation," said one liberal regent. "He went into that job for power. He talks about people who will receive more money once they retire from public service. What he doesn't understand is that for people who become president of a university, or chancellor of a campus, this is their biggest and best thing and they are going to stay there."

On the other hand, the regent continued, "if the guy in the Health Department (the director) is good enough he will (eventually) go to a (private) hospital and make a lot of money."

"His uninformed needling at regents' meetings indicates that he doesn't know what the university is all about and what its fundamental purposes are," argued one UC official.

"And yet his kinky style is refreshing . . . and he doesn't do it (needle or question) with rancor."

When it comes to needling, Brown is a master. And it is fortunate the needles are no larger in dimension because they are aimed at the jugular and they home in like a heat-seeking missile. A sampling:

—"I am concerned about the whole field of medicine. There is a crisis in health care delivery. If the university is on the cutting edge of new ideas, it better find out what to do."

—"We need some nonacademic people on this board so there will be someone to represent the people—not just those from this rarefied atmosphere."

—"On the use by UC of untold tons of paper for reports and records: 'I think we are serving . . . the preservation of records rather than the needs of people.'"

—"I don't understand why it takes so much study" (which applies to just

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BROWN AS UC REGENT

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about everything the trustees, the regents or, most particularly, administrators do).

—“Some people think they own words and lawyers are among the group.” (Directed at the many lawyers on the Board of Regents).

“He has more wit than I thought he had,” said one liberal regent. “I have a feeling of a young guy who is having a helluva lot of fun with his new power and is really zinging in there.”

Admitted a state university system official, “I find myself intrigued by his quips . . . and then, shortly after, infuriated with him.”

On the whole, he added, Brown is

“critical without being supportive. There have been no positive comments.”

“This (the state university system) is the largest four-year system of public higher education in the country and UC is one of the most distinguished—something must have been done right.

“He has a tendency to simplify issues (and) that simplification is difficult to cope with in a bureaucracy—but it does help to focus on an issue.”

But, he added, Brown “tends to be extremely skeptical of any institution and the people within it he calls bureaucrats, (and this is) unfortunate. We have a complicated society that

can be run only by trained technicians. Bureaucrats are important.”

Vintage Brown: “I really want to simplify things. I’ve been looking at the various forms (one has to fill out) to get in the (international studies) program; they go a number of pages. It costs to fill out and file . . . I understand there are 17 people (who have been hired) to handle a program for 300 (students). . . I have trouble with the cost level.”

“At some point when he has a better grasp of what is going on he will have to become less involved if he is going to run the state,” a regent said.

“He is unnerving a lot of people on the board,” said another regent. “Someone, sooner or later, is going to have to take him on.”

At this point, however, no one has, unless one counts Dean A. Watkins, a conservative Reagan appointee. On occasion, Watkins, his face flushed

with a combination of frustration and anger, has been known to shout out, “Point of order,” in attempt to cut off Brown, who once again has strayed from parliamentary procedure. Robert’s Rules of Order vs. Jerry Brown? Nolo contendere, unless Robert’s Rules is armed with a howitzer.

One of the most notable things about Brown is his accessibility before and after a meeting. If members of the press or the audience want to talk to Brown, all they have to do is walk up to him and begin talking. The questioner better be concise and the question better be both well-ordered and well-worded. If not, what will emerge is Brown the professor of syntax and debate, an extraordinary instructor who will either dissect or dismiss the question but never answer it.

This public accessibility is deceiv-

ing, say some education officials.

For example, notes one, at a January meeting of the state university trustees, Brown indicated he would meet with trustees and administrators anytime, anyplace to discuss the cuts he had made in their proposed budget. Brown had said that he would consider restoring some of the programs he had eliminated if the system could make a good case for them.

But, the official said, on three occasions members of the administration suggested three dates for such a meeting and each one was unacceptable to the governor. The administrators then suggested that Brown decide on the time and place and they, no matter when or where, would meet with him. They said they have received no reply.

A UC official said that system’s experience had been much the same.

Then there is the case of the new director of the state Postsecondary Education Commission, Donald McNeil, who has been trying to see Brown since January.

The commission, among other things, is charged with coordinating academic programs between the state’s various segments of higher education.

McNeil, a source said, “has to find out whether Brown’s educational priorities include proprietary institutions, collective bargaining or wanting the commission to see if there are two art history courses in San Diego.”

For that matter UC and the state university system also would like to know what Brown’s priorities are for higher education.

They know he has a lot of questions and apparently a lot of interest. And, for the moment, they are going to have to settle for that.

UC Student Regent Post

Los Angeles Times (1886-Current File); May 15, 1975;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)

pg. C4

UC Student Regent Post

BERKELEY (AP)—Three students have been nominated for the new student seat on the University of California — Board of Regents. The regents are expected to select one later this week. The university student presidents council nominated Kenneth Levy, a law student at Davis, Carol Mock, a senior at Santa Barbara, and Vincent Cohen, a law student at Berkeley.

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microfilm.

SHE'S NO. 1 —Carol Lynn Mock is congratulated by regents and others after she was named first student regent of the University of California at

the board's meeting here. Regent DeWitt A. Higgs is at left, regent Edward W. Carter at the right. Mock, 22, is a senior at UC Santa Barbara.
Times photo by Art Rogers

Brown Attacks 'Mansions' for UC Officials

BY DON SPEICH
Times Education Writer

Gov. Brown sharply criticized University of California regents Friday for providing top UC administrators with rent-free "mansions," entertainment expense accounts and high salaries during a time of economic austerity.

Such emoluments, the governor said, "create a kind of aristocratic aura" that "smacks of elitism."

Brown's comments came at the close of a two-day regents meeting in Los Angeles, during which Carol Lynn Mock, a UC Santa Barbara senior, was selected as the first student regent and Elinor Heller was selected as chairman of the board, the first woman to hold that post in university history.

It has long been UC policy to provide homes for the university president, vice president and chancellors at the nine campuses.

Until a few years ago, the money to maintain the homes came in part from the state, explained UC Asst. Vice President Loren M. Furtado during an interview. However, he said, the homes and the expense accounts now are paid for from unrestricted endowment funds which are controlled by the regents.

The cost of maintaining the homes next year is estimated at about \$260,000.

Regardless of where the money comes from, the governor made it clear Friday that he thinks the practice of providing rent-free homes, which he characterized as mansions,